ISLAMIC LAWS

English Version of Taudhihul Masae'l

According to the Fatawa of

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Taqlid: Following a Mujtahid

1. * It is necessary for a Muslim to believe in the fundamentals of faith with his own insight and understanding, and he cannot follow anyone in this respect i.e. he cannot accept the word of another who knows, simply because he has said it. However, one who has faith in the true tenets of Islam, and manifests it by his deeds, is a Muslim and Mo'min, even if he is not very profound, and the laws related to a Muslim will hold good for him. In matters of religious laws, apart from the ones clearly defined, or ones which are indisputable, a person must:

- either be a Mujtahid (jurist)* himself, capable of inferring and deducing from the religious sources and evidence;

- or if he is not a Mujtahid himself, he should follow one, i.e. he should act accordi ng to the verdicts (Fatwa) of the Mujtahid;

- or if he is neither a Mujtahid nor a follower (Muqallid), he should act on such precaution which should assure him that he has fulfilled his religious obligation. For example, if some Mujtahids consider an act to be haraam, while others say that it is not, he should not perform that act. Similarly, if some Mujtahid consider an act to be obligatory (Wajib) while others consider it to be recommended (Mustahab), he should perform it. Therefore, it is obligatory upon those persons who are neither Mujta hids, nor able to act on precautionary measures (*Ihtiyat*), to follow a Mujtahid.

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* Mujtahid is a jurist competent enough to deduce precise inferences regarding the commandments from the holy Qur'an and the Sunnah of the holy Prophet by the process of Ijtihad. Ijtihad literally means striving and exerting. Technically as a term of jurisprudence it signifies the application by a jurist of all his faculties to the consideration of the authorities of law with a view to finding out what in all probability is the law. In other words Ijtihad means making deductions in matters of law, in the cases to which no express text is applicable. (See, Baqir Sadr, A Short History of 'llmul Usul, ISP, 1984).

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2. Taqlid in religious laws means acting according to the verdict of a Mujtahid. It is necessary for the Mujtahid who is followed, to be male, Shi'ah Ithna Ash'ari, adult, sane, of legitimate birth, living and just ('Adil). A person is said to be just whe n he performs all those acts which are obligatory upon him, and refrains from all those things which are forbidden to him. And the sign of being just is that one is apparently of a good character, so that if enquiries are made about him from the people of his locality, or from his neighbours, or from those persons with whom he lives, they would confirm his good conduct. And if one knows that the verdicts of the Mujtahids differ with regard to the problems which we face in every day life, it is necessary t hat the Mujtahid who is followed be A'lam (the most learned), who is more capable of understanding the divine laws than any of the contemporary Mujtahids.

3. There are three ways of identifying a Mujtahid, and the A'alam:

- when a person is certain that a particular person is a Mujtahid, or the most learned one. For this, he should be a learned person himself, and should possess the capacity to identify a Mujtahid or an A'alam;
- when two persons, who are learned and just and possess the capacity to identify a Mujtahid or the A'alam, confirm that a person is a Mujtahid or an A'lam, provided that two other learned and just persons do not contradict them. In fact, being a Mujt ahid or an A'lam can also be established by a statement of only one trusted and reliable person;
- when a number of learned persons who possess the capacity to identify a Mujtahid or an A'lam, certify that a particular person is a Mujtahid or an A'lam, provided that one is satisfied by their statement.

4. * If one generally knows that the verdicts of Mujtahids do vary in day to day matters, and also that some of the Mujtahids are more capable than the others, but is unable to identify the most learned one, then he should act on precaution based on t heir verdicts. And if he is unable to act on precaution, then he should follow a Mujtahid he supposes to be the most learned. And if decides that they are all of equal stature, then he has a choice.

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5. There are four ways of obtaining the verdicts of a Mujtahid:
- When a man hears from the Mujtahid himself.
- When the verdict of the Mujtahid is quoted by two just persons.
- When a man hears the verdict from a person whose statement satisfies him.
- By reading the Mujtahid's book of Masae'l, provided that, one is satisfied about the correctness of the book.

6. As long as a person is certain that the verdict of the Mujtahid has not changed, he can act according to what is written in the Mujtahid's book. And if he suspects that the verdict might have been changed, investigation in that matter is not necessary .

7. If an A'lam Mujtahid gives a fatwa on some matter, his follower cannot act in that matter on the fatwa of another Mujtahid. But if he does not give a fatwa, and expresses a precaution (*Ihtiyat*) that a man should act in such and such a manner, for exam ple if he says that as a precautionary measure, in the first and second Rak'at of the namaz he should read a complete Surah after the Surah of "Hamd", the follower may either act on this precaution, which is called obligatory precaution (*Ihtiyat Wajib*), or he may act on the fatwa of another Mujtahid who it is permissible to follow. Hence, if he (the second Mujtahid) rules that only "Surah Hamd" is enough, he (the person offering prayers) may drop the second Surah. The position will be the same if the A'a lam Mujtahid expresses terms like Ta'mmul or Ishkal.

8. If the A'lam Mujtahid observes precaution after or before having given a fatwa, for example, if he says that if Najis vessel is washed once with Kurr water (about 388 litres), it becomes *Pak*, although as precautionary measure, it should be washed thre e times, his followers can abandon acting according to this precaution. This precaution is called recommended precaution (*Ihtiyat Mustahab*).

9. * If a Mujtahid, who is followed by a person dies, his category will be the same as when he was alive. Based on this, if he is more learned than a living Mujtahid, the

follower who has a general notion about the variation in the day to day Masae'l, must continue to remain in his taqlid. And if the

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living Mujtahid is more learned, then the follower must turn to him for taqlid. The term 'taqlid' used here implies only an intention to follow a particular Mujtahid, and does not include having acted acco rding to his fatwa.

10. If a person acts according to the fatwa of a Mujtahid in certain matter, and after the death of that Mujtahid, he follows a living Mujtahid in that matter according to his obligation, he cannot act again according to the fatwa of the dead Mujtahid.

11. It is obligatory for a follower to learn the Masae'l which are of daily importance.

12. * If a person faces a problem whose rule is not known to him, it is necessary for him to exercise precaution, or to follow a Mujtahid according to the conditions mentioned above. But if he cannot obtain the ruling of an A'lam Mujtahid on that matt er, he is allowed to follow a non-A'lam Mujtahid, even if he has a general notion about the difference between the verdicts.

13. * If a person relates the fatwa of a Mujtahid to someone, and then that fatwa is changed, it is not necessary for him to inform that person about the change. But if he realises after having related the fatwa that he had made an error, and the error would lead someone to contradicting the laws of Shariah, then as an obligatory precaution, he should do his best to rectify the error.

14. If a person performs his acts for some time without taqlid of a Mujtahid, and later follows a Mujtahid, his former actions will be valid if that Mujtahid declares them to be valid, otherwise they will be treated as void.

Taharat

Pure and Mixed Water

15. Water is either pure or mixed. Mixed water (Ma 'ul muzaf) means the water which is obtained from something like melon juice, or rose water, or that water in which something else is mixed, (for example, so much dust is mixed in it that it may no longe r be called water).
Any water other than mixed water is called pure water (Ma'ul mutlaq), and they are of five types:

- Kurr Water,
- Under-Kurr Water, (QALEEL)
- Running Water, (JAREE)
- Rain Water,

- Water of a Well.

I. Kurr water

16. * Water, which fills a container whose length, breadth and depth are three and half spans each, is equal to a Kurr. Based on this, the volume of water will be 42.875 cubic span, though 36 cubic span is enough. To determine KURR by weight is not free from Ishkal.

17. If essential Najasat like urine, blood, or anything which has become najis, like a najis cloth, falls in Kurr Water and if the water acquires the smell, colour, or taste of that najasat, it becomes najis; but if it does not, then it is not najis.

18. If the smell, colour, or taste of Kurr water changes owing to something else, which is not najis, it does not become najis.

19. If an essential najasat like blood etc. reaches water which is more than a Kurr, and changes the smell, colour, or taste of a part of it, if the unchanged part is less than a Kurr, the entire water becomes najis. But if the unchanged

part is one Kurr or more, then only that part which has changed will be najis.

20. If water of a spring is connected to Kurr, the water of the spring will make najis water *Pak*. But if it falls on the najis water drop by drop, it will not make it *Pak*, except when something is placed over the spring, so that before the drops are form ed, it connects the najis water. Better still, if the water of the spring is totally merged with the najis water.

21. If a najis object is washed under a tap which is connected with Kurr, and if water which flows from that object remains connected with Kurr, and does not contain the smell, colour, or taste of the najasat or essential najasat, that water will be *Pak*.

22. If a part of Kurr water freezes to ice, leaving a quantity which is not equal to a Kurr, and then najasat reaches it, it will become najis, and water obtained from the melting ice also will be najis.

23. If the quantity of water was equal to a Kurr and later on, if someone doubts whether it has reduced to less than a Kurr, it will be treated to be equal to a Kurr, i.e. it will make a najis object *Pak*, and will not become najis if najasat reaches it. A nd if water was less than a Kurr, and one suspects that it may have become equal to a Kurr, it will be treated as under-Kurr water.

24. * There are two ways of establishing that the quantity of water is equal to a Kurr:
- a person should be sure about it himself,
- two men who are just, should say so.

II. Under-Kurr Water

25. Under-Kurr water means water which does not spring forth from the earth, and its quantity is less than a Kurr.

26. If under-Kurr water is poured on something which is najis, or if a najis thing contacts it, it becomes najis. But, if such water is poured with force on a najis object, only that part which contacts it will be najis, and the water which has not reach ed the najis object, will be *Pak*.

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27. * Under-Kurr water which is poured over a najis object to remove the essential najasat will be najis, as it flows after the contact. Similarly, the under-Kurr water which is poured over a najis thing to wash it after the essential najasat has been removed, will be najis, as an obligatory precaution.

28. * The water with which the outlets of urine and stool are washed, does not make anything najis, subject to the following five conditions:

- It does not have the smell, colour or taste of najasat.
- Extra najasat has not reached it from outside.
- Any other najasat like blood, has not come out with urine or stool.
- Particles of stool do not appear in the water.
- More than usual najasat has not spread around the outlet.

III. Running Water

29. Running water is that water which springs forth from the earth and then flows, like the water of a spring or a canal.The flowing or running water, even if it is less than Kurr, does not become najis upon contact with any najasat, unless its smell, co lour, or taste changes due to that najasat.

30. If najasat reaches the running water, only that part of the water will be najis whose smell, colour, or taste changes on account of it, and that end which is connected with the spring will be *Pak* even if it may be less than a Kurr. Similarly, the wat er on the other side of the canal will be *Pak*, if it is equal to a Kurr, or if it is connected with the water near the spring through unchanged water. If not, then it would be najis.

31. * A spring which does not run or flow, but replaces water every time water is drawn from it, will not be treated as running water. That means if najasat reaches it, and if it is less than Kurr, it will become najis.

32. * If water at the bank of a canal is stationary, but is connected with running water, it will not be considered as running water.

33. If a spring is active in winter, but remains dormant in summer, it will be treated as running water only when it is active.

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34. If the water in a pool or tank of a public bath (*Hammam*) is less than a Kurr, but is connected with a store of water which when added to it becomes equal to a Kurr, it does not become najis by meeting najasat if its smell, colour, or taste does not change.

35. If water from the pipes fitted in bathrooms and buildings, pouring through taps

and showers, is connected to a tank holding water equal to a Kurr, it will be treated as Kurr water.

36. Any water which flows but does not gush from a source, will become najis on contacting najasat, if it is less than Kurr. But if water flows with force and najasat touches it at the end part below, the upper end will not become najis.

IV. Rain Water

37. * A najis thing becomes *Pak* if rain water falls on it once, provided that it does not contain an essential najasat, except in the cases of clothes and body which have become najis because of urine, for they become *Pak* after being washed twice, as per precaution. And in objects like carpets and dress, it is not necessary to wring or squeeze. By rain is meant a sufficient downpour, and not scanty shower or droplets.

38. * If rain water falls on *Najisul Ayn* and splashes elsewhere, and if the essential najasat is not found in the water, nor does it acquire the smell, colour, or taste of the najasat, then that water is *Pak*. So, if it rains on blood and then splashes, and particles of blood are seen in the water, or it acquires the smell, colour, or taste of blood, it is najis.

39. If there is *Najisul Ayn* on the roof of a building, and water flows down from the roof after contacting the najis object, it will be deemed *Pak* as long as the rain continues. But if it continues to flow down the same way after contacting the najis object, after the rain has stopped, that water will be najis.

40. The najis earth or ground on which rain falls becomes *Pak*, and if it begins flowing on the ground, and while it is still raining it reaches a najis place under the roof, it makes that place *Pak* as well.

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41. * If rain water falls on najis dust or sand, soaking it thoroughly, it becomes *Pak*.

42. * If rain water collects at a place, even if its quantity is less than a Kurr, and a najis thing is washed in it while it is raining, it becomes *Pak* provided that, it does not assume the smell, colour, or taste of that najasat.

43. * If it rains on a pure carpet which is spread over a najis ground, and if the water seeps onto the najis ground while rain continues, the carpet does not become najis. In fact, the ground also will become *Pak*.

V. Well Water

44. The water of a well which springs forth from the earth, (although its quantity may be less than a Kurr) does not become najis owing to something najis falling in it, unless its colour, smell, or taste changes. However, it is recommended that, in the event of certain najasat falling in it, a quantity of water should be drawn from the well. Details about this quantity are given in the relevant books.

45. If a najasat falls into well water and changes its smell, colour, or taste, it will become *Pak* as soon as the change in its smell etc. vanishes. But it is better to wait till

it is mixed with the fresh water springing from the earth.

46. If rain water is collected in a hole, and its quantity is less than a Kurr, it will become najis if najasat reaches it after the rain has stopped.

Rules Regarding Waters:

47. Mixed water, whose meaning has been explained in Article 15, does not make any najis thing *Pak*, and its use is not allowed for Ghusl or Wudhu.

48. * Mixed water, however large its quantity may be, becomes najis when even a small particle of najasat falls in it. But, if it falls on a najis thing from above, with some force, the part which touches the najasat will become najis, and the part which does not touch it, will remain *Pak*. For example, if rose water is sprinkled on a najis hand from a sprinkler, the part which reaches the hand will be najis and the part which does not reach the hand, will remain *Pak*.

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49. When najis mixed water is mixed with Kurr or running water, in a manner that it can no longer be called mixed water, it becomes *Pak*.

50. Water which was originally pure and it is not known whether it has turned into mixed water, will be treated as pure, i.e. it will make najis thing *Pak* and it will also be in order to perform Wudhu and Ghusl with it. But if it was originally mixed wa ter, and it is not known whether it has turned into pure water, it will be treated as mixed water, i.e. it will not make najis objects *Pak*, and it cannot be used for Wudhu or Ghusl.

51. * Water about which it is not known whether it is pure or mixed, and it is also not known whether originally it was pure or mixed, will not make najis things *Pak*, and it is also not permissible to perform Wudhu or Ghusl with it. Also, it becomes naj is when a najasat reaches it, even if it is equal to a Kurr or more.

52. * When an essential najasat like blood and urine reaches water, and changes its smell, colour, or taste,it becomes najis even if it is Kurr or running water. Similarly, if the smell, colour, or taste of the water changes owing to a najasat which is outside it—for example, if a carcass, which is lying by the side of the water, causes a change in smell, the water will be deemed najis, as an obligatory precaution.

53. * If water which has become najis due to *Najisul Ayn* like blood or urine, which changed its smell, colour, or taste, joins Kurr-water or running water, or if rain water falls on it, or is blown over it by the winds, or rain water falls on it through the drain pipe while it is raining, the water will become *Pak* if the change vanishes. However, rain water, or Kurr water, or running water should get mixed with it.

54. If a najis object is made *Pak* in Kurr or running water, the water which falls from the object after it has become *Pak*, is *Pak*.

55. Water, which was originally *Pak*, and it is not known whether it has become najis,

will be deemed *Pak*; and water, which was originally najis, and it is not known whether it has become *Pak*, is najis.

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56. The leftover of a dog, a pig and a kafir, other than the people of the Book, is najis, and as a recommended precaution, the leftover of the people of the Book is also najis, and it is haraam to consume it. However, the leftover of the animals, whose meat is haraam, is *Pak*, and with the exception of cat, it is Makrooh to eat or drink the leftover of a such animals.

Rules concerning Use of Lavatory

57. * It is obligatory to conceal one's private parts in the toilet and at all times from adult persons even if they are one's near relatives (like mother, sister etc.) Similarly, it is obligatory to conceal one's private parts from insane persons, and from children who can discern between good and evil. However, husband and wife are exempted from this obligation.

58. It is not necessary for a person to conceal the private parts with any definite thing, it is sufficient, if, for example, he conceals them with his hand.

59. * While using the toilet for relieving oneself, the front or the back part of one's body should not face the holy Ka'bah.

60. * If a person sits in the toilet with the front part of his body or the back facing the Qibla, but turns the private parts away from that direction, it will not be enough. Similarly, when the front part of the body or the back does not face Qibla, as a precaution, he should not allow the private parts to face that direction.

61. Recommended precaution is that one should not face the Qibla or have one's back towards it at the time of *Istibra* (to be explained later), nor at the time of washing oneself to become *Pak* after relief.

62. * When one is forced to sit facing the Qibla, or with his back towards it, so as to avoid somebody looking at him, or if it is not possible to do so, or when there is an unavoidable excuse for sitting that way, it is permissible to do so.

63. It is a recommended precaution that even a child should not be made to sit in the toilet with its face or back facing Qibla. But if the child positions itself that way, it is not obligatory to divert it.

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64. It is haraam to relieve oneself at the following four places:

- In blind alleys, without the permission of the people who live there.
- On the property (land) of a person who has not granted permission for the purpose.
- At a place which is waqf exclusively for its beneficiaries, like some Madrassahs.
- On the graves of Momineen, and at the sacred places whose sanctity will thus be violated.

65. In the following three cases, anus can be made *Pak* with water alone:

- If another najasat, like blood, appears along with the faeces.
- If an external najasat reaches the anus.
- If more than usual najasat spreads around the anus.

In the cases other than those mentioned above, anus can be made *Pak* either by water or by using cloth, or stone etc., although it is always better to wash it with water. (for details: see Notes 68 - 70).

66. * The urinary organ cannot be made *Pak* without water. If one uses kurr or running water, then washing the organ once will suffice, after removal of essential najasat. But, if one uses under-kurr water, then recommended precaution is to wash it twice, better still, three times.

67. If the anus is washed with water, one should ensure that no trace of faeces is left on it. However, there is no harm if colour and smell remain. And if it is washed thoroughly in the first instance, leaving no particle of stool, then it is not necessary to wash it again.

68. The anus can be made *Pak* with stone, clod or cloth provided they are dry and *Pak*. If there is slight moisture on it, which does not reach the outlet, there is no objection.

69. * If one makes oneself totally *Pak* with stone, clod or cloth once, it will be enough, though it is better to do it three times. In fact, it is better to use three pieces. And if one does not get totally *Pak* after three times, he may continue till he is*Pak*. However, there in no harm, if invisible, tiny particles are still there

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70. It is haraam to make the anus *Pak* with things which are sacred and revered, like, a paper on which the names of Allah and the Prophets are written. And using bones or dung for the purpose, may not make the place *Pak*.

71. If a person doubts whether he has made the outlet *Pak*, it is necessary that he should make it *Pak* even if he may have been doing it always as a matter of habit.

72. * When a person doubts after Namaz, whether he made the outlet *Pak* before he started the prayers, the namaz already prayed will be valid, but for the ensuing prayers, he will make himself *Pak*.

Istibra

73. *Istibra* is a recommended act for men after urinating. Its object is to ensure that no more urine is left in the urethra.

There are certain ways of performing *Istibra*, and the best of them is that after the passing of urine, if the anus also becomes najis it is made *Pak* first. Thereafter, the part between the anus and the root of penis should be pressed thrice, with the middle finger of the left hand. Then the thumb is placed on the penis, and the forefinger below it pressing three times up to the point of circumcision, then the front part of the

penis should be jerked three times.

74. The moisture which is discharged by man during wooing and courtship, is called *'Mazi'*. It is *Pak*, and so is the liquid which is seen after ejaculation. It is called *'Wazi'*. Similarly, the liquid which at times comes out after urine, is called *'Wadi'* and it is *Pak* if urine has not reached it. If a person performs *Istibra* after urinating, and then discharges liquid doubting whether it is urine, or one of the above mentioned three liquids, that liquid is *Pak*.

75. If a person doubts whether he has performed *Istibra* or not, and then discharges a liquid about which he is not sure whether it is *Pak* or not, that liquid is will be deemed najis, and if he has performed Wudhu it becomes void. However, if he doubts whether he performed the *Istibra* correctly or not, and a liquid is discharged about which he is not sure whether it is *Pak* or not, that liquid will be *Pak*, and it will not invalidate the Wudhu.

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76. * If a person performs *Istibra*, and also performs Wudhu, and if after Wudhu he sees a liquid discharged, of which he knows that it is either urine or semen, it will be obligatory upon him to do Ghusl, together with Wudhu. But if he had not done Wudhu after *Istibra*, then Wudhu alone will be sufficient.

77. When enough time has lapsed since urinating, and one becomes sure that no urine is left in urinary passage, and then he sees some liquid, doubting whether it is *Pak* or not, he will consider it as *Pak*, even if he had not done *Istibra*. If he has Wudhu, it will be valid.

78. *Istibra* is not meant for women, and if she sees any liquid and she doubts whether it is urine, that liquid is *Pak*, and it will not invalidate Wudhu and Ghusl.

Mustahab and Makrooh Acts

79. It is Mustahab that a person sitting for relieving himself, sits at a place where no one would see him, and enters the toilet with his left foot forward, and comes out with his right foot. It is also Mustahab to cover one's head, and to place one's weight on the left foot.

80. It is Makrooh to face the sun, or the moon, while relieving oneself. But if a person manages to cover his private parts, it will not be Makrooh. Moreover, it is Makrooh to sit for urinating etc. facing the wind; or on the road side, or in lanes, or in front of a doors of a house or under the shade of the fruit-yielding tree. It is also Makrooh to eat while relieving oneself, or take longer then usual time, or to wash oneself with the right hand. Talking is also Makrooh unless necessary. To utter words remembering Allah is not Makrooh.

81. It is Makrooh to urinate while standing, or on hard earth, or in the burrows of the animals, or in stationery water.

82. It is Makrooh to suppress or constrain one's urge for urine or excretion, and if it is injurious to one's health, it becomes haraam.

83. It is Mustahab to urinate before namaz, before retiring to sleep, before sexual intercourse, and after ejaculation.

Najis Things

84. * The following ten things are essentially najis:

- Urine
- Faeces
- Semen
- Dead body
- Blood
- Dog
- Pig
- Kafir
- Alcoholic liquors
- The sweat of an animal who persistently eats najasat. **Urine and Faeces**

85. * Urine and faeces of the following living beings are najis:

- Human beings
- Animals whose meat is haraam to eat, and whose blood gushes out forcefully when its large vein (jugular) is slit.

The excretion of those animals who are haraam to eat, but its blood does not gush forth forcefully when killed, like haraam fish, is *Pak*. Similarly, droppings of mosquito and flies are *Pak*. Of course, the urine of an animal whose meat is haraam, should be avoided as per obligatory precaution, even if its blood does not gush forth when killed.

86. The urine and droppings of those birds which are haraam to eat, is *Pak*, but it is better to avoid them.

87. * The urine and excretion of an animal who subsists on najasat, and of a goat who was nursed by a pig, and of a quadruped who has been defiled by a human being, are najis.

SEMEN

88. The semen of human beings, and of every animal whose blood gushes when its large vein (jugular) is cut, is najis.

Dead Body

89. The dead body of a human being is najis. Similarly the dead body of any animal whose blood gushes forth with force is najis, irrespective of whether it dies a natural death, or is killed in a manner other than that prescribed by Islam. As the blood o f a fish does not gush forth, its dead body is *Pak*, even if it dies in water.

90. Those parts of a dead body which do not contain life like, wool, hair, teeth, nails, bones and horns are *Pak*.

91. If flesh, or any other part which contains life, is cut off from the body of a living human being, or a living animal whose blood gushes forth, it will be najis.

92. Small pieces of skin which peel off from the lips, or other parts of the body, are *Pak*.

93. * An egg from the body of a dead hen, is *Pak*, but its exterior must be washed.

94. If a lamb or a kid dies before it is able to graze, the rennet (cheese) found in its stomach is *Pak*, but its exterior should be washed with water.

95. The liquid medicines, perfumes, ghee, soap and wax polish which are imported, are *Pak*, if one is not sure of their being najis.

96. Fat, meat or hide of an animal, about which there is a probability that it may have been slaughtered according to the Islamic law, are *Pak*. However, if these things are obtained from a non-Muslim, or from a Muslim who himself obtained them from a non -Muslim, without investigating whether the animal was slaughtered according to Islamic law, it is haraam to eat that meat and fat, but namaz in that hide will be permissible. But, if these things

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are obtained from Muslim Bazaar, or a Muslim, and it is not known that he got them from a non-Muslim, or if it is known that he got from a non-Muslim but there is a great probability that he has investigated about it being slaughtered according to Shariah, then eating such meat and fat is permissible.

Blood

97. The blood of a human being, and of every animal whose blood gushes forth when its large vein is cut, is najis. The blood of an animal like a fish, or an insect like mosquito, is *Pak* because it does not gush forth..

98. * If an animal whose meat is halal to eat, is slaughtered in accordance with the method prescribed by Shariah, and enough blood flows out, the blood of which is still left in its body is *Pak*. However, the blood which goes back into the body of the animal due to breath, or because of its head having been at a higher level at the time of its slaughtering, is najis.

99. As a recommended precaution, one should refrain from eating an egg which has even the smallest amount of blood in it. However, if the blood is in the yolk (yellow potion) the albumen (white portion) will be *Pak*, as long as the skin over the yolk is not torn.

100. The blood which is sometimes seen while milking an animal, is najis, and makes

the milk najis.

101. If the blood which comes from inside the teeth, vanishes as it gets mixed with the saliva, the saliva is *Pak*.

102. * If the blood which dries under the nail or skin, on account of being hurt, can no longer be called blood, it is *Pak*. But if it is blood and is seen as such, then it is najis. And if a hole appears in the nail or the skin, and if it is difficult to remove the blood and to make it *Pak* for the purpose of Wudhu or Ghusl, then one should perform *tayammum*.

103. If a person cannot discern whether it is dried blood under the skin, or that the flesh has turned that way because of being hit, it is *Pak*.

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104. * Even a small particle of blood falling in the food, while it is being boiled, will make the entire food together with its container najis, as per obligatory precaution, and boiling, heat, or fire does not make it *Pak*.

105. When a wound is healing, and pus forms around it, that substance is *Pak* if it is not known to have been mixed with blood.

Dogs and Pigs

106. The dogs and pigs which live on land are najis, and even their hair, bones, paws and nails, and every liquid substance of their body, is najis. However, sea dogs and pigs are *Pak*.

Kafir

107. * An infidel i.e. a person who does not believe in Allah and His Oneness, is najis. Similarly, *Ghulat* who believe in any of the holy twelve Imams as God, or that they are incarnations of God, and *Khawarij* and *Nawasib* who express enmity towards the holy Imams, are also najis. And similar is the case of those who deny Prophethood, or any of the necessary laws of Islam, like, namaz and fasting, which are believed by the Muslims as a part of Islam, and which they also know as such.

As regards the people of the Book (i.e. the Jews and the Christians) who do not accept the Prophethood of Prophet Muhammad bin Abdullah (Peace be upon him and his progeny), they are commonly considered najis, but it is not improbable that they are *Pak*. However, it is better to avoid them.

108. The entire body of a Kafir, including his hair and nails, and all liquid substances of his body, are najis.

109. * If the parents, paternal grandmother and paternal grandfather of a minor child are all kafir, that child is najis, except when he is intelligent enough, and professes Islam. When, even one person from his parents or grandparents is a Muslim, the child is *Pak* (The details will be explained in rule 217).

110. * A person about whom it is not known whether he is a Muslim or not, and if no signs exist to establish him as a Muslim, he will be considered

Pak. But he will not have the privileges of a Muslim, like, he cannot marry a Muslim woman, nor can he be buried in a Muslim cemetery.

111. Any person who abuses any of the twelve holy Imams on account of enmity, is najis.

Alcoholic Liquor

112. * All Alcoholic liquors and beverages which intoxicate a person, are najis and on the basis of recommended precaution, everything which is originally liquid and intoxicates a person, is najis. Hence narcotics, like, opium and hemp, which are not li quid originally, are *Pak*, even when a liquid is added to them.

113. All kinds of industrial alcohol used for painting doors, windows, tables, chairs etc. are *Pak*.

114. If grapes or grape juice ferments by itself, or on being cooked, they are *Pak*, but it is haraam to eat or drink them.

115. If dates, currants and raisins, and their juice ferment, they are *Pak* and it is halal to eat them.

Beer (Fuqa')

116. * Beer, which is prepared from barley, and is called *'Ab-i-Jaw'*, is haraam, but there is Ishkal in it being najis. But barley water which is medically prepared, and is called *'Maush- Shaeer'*, is *Pak*.

Sweat of an Animal Who Persistently Eats Najasat

117. * The perspiration of a camel which eats najasat, and the perspiration of every animal which is habituated to eat najasat, is najis

118. * The perspiration of a person who enters the state of Janabat by haraam act is *Pak*, but on the basis of recommended precaution, Namaz should not be offered with that sweat. Similarly sexual intercourse with the wife in her menses, knowingly, will be considered as Janabat by haraam act.

119. If a person has sexual intercourse with his wife at a time when it is forbidden, like, in the month of Ramadhan during fasting, his perspiration will not be classified with the perspiration of those who become *Mujnib* by haraam act.

120. If a person in Janabat by haraam act does *tayammum* instead of Ghusl, and perspires after performing *tayammum*, his perspiration will be governed by the same

rules which applied to his perspiration before the *tayammum*.

121. If a person becomes *Mujnib* by haraam act, and then engages in lawful sexual intercourse with his wife, the recommended precaution for him is that he should not offer prayers with his perspiration. But if he has lawful sexual intercourse in the first instance, and then commits the haraam act, his perspiration will not be treated as the perspiration of a person who has become *Mujnib* by haraam act.

Ways of Proving Najasat

122. * There are three ways of proving the najasat of anything:

- One should be certain, or satisfied that something is najis. If one suspects that something may be najis, it is not necessary to avoid it. Accordingly, eating or drinking at stalls and guest houses where public goes to eat, and where people without scruples about najasat frequent, is allowed unless one knows that the food supplied is najis.
- If a reliable person who possesses, controls or manages a thing, says that it is najis. For example, if the wife, or a servant, or a maid says that a particular utensil or any other object which she handles, is najis, it will be accepted as najis.
- If two just persons testify that a certain thing is najis, provided that their testimony deals with the reason for najasat.

123. If a person does not know whether a thing is *Pak* or najis because of ignorance, for example, if he does not know whether the droppings of a rat is *Pak* or not, he should enquire from those who know. But, if he knows the rule, and doubts the nature of particular thing, like when he doubts whether a thing is blood or not, or if he does not know whether it is the blood of a mosquito or a human being, the thing is *Pak*, and it is not necessary to make investigation or enquiry about it.

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124. A thing which was originally najis, and one doubts whether it has become *Pak*, will be considered as najis. Conversely, if a thing was originally *Pak*, and if one doubts whether it has become najis, it will be considered *Pak*. And it is not necessary to ascertain, even if it is possible to do so.

125. If a person knows that out of the two vessels, or two dresses used by him, one has become najis, but cannot identify it, he should refrain from using both of them. But if he does not know whether it is his own dress, or the dress which is no longer possessed by him, or is the property of some other person, which has become najis, then it is not necessary for him to refrain from using his own dress.

How a Pak Thing Becomes Najis

126. * If a *Pak* thing touches a najis thing and if either or both of them are so wet that the wetness of one reaches the other, the *Pak* thing will become najis. Similarly, if the wetness of the thing which has become najis, touches a third thing, that third thing

will also become najis. It is commonly held by the scholars, that a thing which has become najis transmits its najasat, but indefinite number of transmissions is improbable. In fact, after certain stage it is *Pak*. For example, if the right hand of a person becomes najis with urine, and then, while still wet, it touches his left hand, the left hand will also become najis. Now, if the left hand after having dried up, touches a wet cloth, that cloth will also become najis, but, if that cloth touches another wet thing, it cannot be said to be najis. In any case, if the wetness is so little, that it does not affect the other thing, then the *Pak* thing will not become najis, even if it had contacted the *Najisul Ayn*.

127. If a *Pak* thing touches a najis thing and one doubts whether either or both of them were wet or not, the *Pak* thing does not become najis.

128. * If there are two things and one does not know which of them is *Pak*, and which is najis, and later a damp *Pak* thing touches one of them, that thing does not become najis.

129. If the ground, cloth, or similar things are wet, then only that part will become najis where najasat reaches, and the remaining part will remain *Pak*

. Same is the case with melon, cucumber etc.

130. When a syrup or ghee is in a fluid state, in a manner that if some quantity of it is removed, it does not leave an empty trace, the entire quantity will become najis immediately when even their slightest part becomes najis. But if it has solidified, and when some part of it is removed, a trace of emptiness is seen, then only that part will be najis which has come in contact with najasat, even if the empty trace gets filled up later. So, if the droppings of a rat fall on it, only that part will become najis on which the droppings have fallen, and the rest will remain *Pak*.

131. If a fly or an insect sits on wet, najis thing, and later sits on wet, *Pak* thing, the *Pak* thing will become najis, if one is sure that the insect was carrying najasat with it, and if one is not sure, then it remains *Pak*.

132. If a part of one's body which is perspiring becomes najis, all those parts to which the sweat reaches, will become najis. Where it does not reach will remain *Pak*.

133. * If there is blood in the phlegm, or substance which comes out of the nose or throat, the part with blood will be najis, and the remaining part will be *Pak*. Hence, if these substances come out of the mouth, or the nose, the part about which one is sure that najasat has reached, will be najis, and the part about which one is doubtful whether najasat has reached it or not, will be considered *Pak*.

134. * If an ewer or a vessel with a hole in its bottom, is placed on najis ground, and its water ceases to flow, allowing water to collect under it, till it is seen as one with the water inside the vessel, the water in the vessel will be najis. However, if the water inside the vessel continues to flow forcefully, it will not become najis.

135. If a thing enters the body reaching najasat, but has no trace of it when brought out of the body, it is *Pak*. Hence, if the apparatus of enema, or its water, enters one's rectum, or a needle or knife, or any other similar thing, is driven into the body and has no trace of najasat when it is taken out later, it is not najis. Same is the case with sputum and mucus of the nose, if it con-

tacts blood within the body, but does not have any trace of blood when it comes out of the body.

Rules Regarding Najasaat

136. To make the script and pages of holy Qur'an najis, and violate its sanctity, is undoubtedly haraam, and if it becomes najis, it should be made *Pak* immediately with water. In fact, as an obligatory precaution, it is haraam to make it najis even if no violation of sanctity is intended, and it is obligatory that it should be made *Pak* by washing it with water.

137. If the cover of the holy Qur'an becomes najis, causing its desecration, the cover should be made *Pak* by washing it with water.

138. * Placing the holy Qur'an on a *Najisul Ayn*, like, blood, or a dead body, even if it be dry, is haraam, if the intention is to profane it.

139. Writing the holy Qur'an with najis ink, even one letter of it, amounts to making it najis. And if written, it should be erased or washed off.

140. If giving the holy Qur'an to a non-believer involves its desecration, it is haraam to give it to him, and it is obligatory to take it back from him.

141. If a page from the holy Qur'an, or any sacred object like a paper on which the names of Almighty Allah or the Holy Prophet or the holy Imams are written, falls in a lavatory, it is obligatory to take it out and make it *Pak* with water, no matter what expenses it may entail. And, if it is not possible to take it out, the use of that lavatory should be discontinued till such time when one is certain that the page has dissolved and petered out.Similarly, if *Turbatul Husayn* (the sacred earth of Karbala, usually formed into a tablets to place one's forehead on, while offering prayers) falls into lavatory, and it is not possible to take it out, the lavatory should not be used until one becomes sure that it (*Turbatul Husayn*) has ceased to exist, and no trace of it is present there.

142. It is haraam to eat or drink or make others eat or drink something which has become najis. However, one may give such a thing to a child, or

an insane person. And if a child or an insane person eats or drinks najis thing on his

own accord, or makes food najis with his najis hands before consuming it, it is not necessary to stop him from doing so.

143. * To sell or lend a najis thing which can be made *Pak*, has no objection, but the buyer or the borrower must be told about it, particularly in the following two situations:

- That if he is not informed, he might contravene the law of Shariah, like, if he wants to eat or drink it. Otherwise, it is not necessary to inform.
- That the buyer or the borrower will pay heed to the advice. If one knows that it will have no effect, it will not be necessary to tell him.

144. If a person sees someone eat or drink something najis, or pray with a najis dress, it is not necessary to admonish him.

145. * If a place or carpet of a man's house is najis, and if he sees that the wet body or dress of his visitor will touch the najis thing, since it is he who is responsible, therefore he should inform the visitor, provided the two situations mentioned in rule 143 obtain.

146. * If the host comes to know during the meals, that the food is najis, he should inform the guests about it. But if one of the guests becomes aware of it, it is not necessary for him to inform others about it. However, if his dealings with the other guests are such, that he himself may become najis, or be involved in Najasat if they became najis, he should inform them.

147. * If a borrowed object becomes najis, the borrower must inform the owner, provided the situations mentioned in rule 143 is observed.

148. * If a child says that a thing is najis, or that he has washed and made it *Pak*, his word should not be accepted. But, if he is about to attain the age of puberty, and assures that he has washed and made it *Pak*, his word should be accepted if the thing is normally in his charge, and if he is reliable.

Mutahhiraat

149. * There are twelve things which make najis objects *Pak*: (i)Water
(ii)Earth
(iii)The Sun
(iv)Transformation (Istihala)
(v)Change (Inqilab)
(vi)Transfer (Intiqal)
(vii)Islam
(viii)Subjection (Taba'iyat)
(ix)Removal of original najasat
(x)Confining (Istibra) of animal which feeds on najasat

(xi)Disappearance of a Muslim
(xii)Draining of the usual quantity of blood from the slaughtered body of an animal.

Water

150. * Water makes najis thing *Pak*, when the following four conditions are fulfilled:
(i) The water should be pure. Hence a najis thing cannot be made *Pak* with mixed water like rose-water, or melon-water etc. (Mudhaaf)
(ii) The water should be *Pak*.
(iii) The water should not turn into Mudhaaf while the najis thing is being washed. Furthermore, the smell, colour, or taste of the najasat should not exist after the final washing, but if changes occur during earlier washings, there is no harm in it. For example, if a thing is washed with Kurr-water, or under-Kurr water and, in order to make it *Pak*, it is necessary to wash it twice, it will become *Pak* if the changes in the water do not occur in the second washing. Any changes occurring in the first washing would not matter.
(iv) Small particles of *Najisul Ayn* should not remain behind in a najis thing after it has been washed. Other conditions for making najis thing *Pak* by water less than Kurr will be mentioned later.

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151. * The interior of a najis vessel, or utensil, must be washed three times if less than Kurr water is used, and as per obligatory precaution, the same will apply if Kurr or running water is used. If a dog drinks water or any other liquid from a utensil, the utensil should be first scrubbed with *Pak* earth, and after washing off the dust, it should be washed twice with Kurr or lesser water. Similarly, if the dog licks a utensil, and something remains in it, it should be scrubbed with dust before washing. And if the saliva of a dog falls into the utensil, as per obligatory precaution, it should be scrubbed with dust and then washed with water three times.

152. * If the mouth of a utensil which a dog has licked, is narrow, dust should be thrown into it and after adding some quantity of water, it should be shaken vigorously, so that the dust may reach all parts of it. Thereafter, the utensil should be washed in the manner mentioned above.

153. If a utensil is licked by a pig, or if it drinks any liquid from it, or in which a field-mouse has died, then it should be washed seven times with running water, or Kurr or lesser water. It will not be necessary to scour it with dust.

154. A utensil which becomes najis because of alcoholic beverage, should be washed three times, with no difference between Kurr, lesser, or running water.

155. If an earthenware has been made of najis clay, or najis water has penetrated in it, it should be put into Kurr or running water, so that wherever water reaches, it will be *Pak*. And if it is intended to make its interior *Pak* it should be left in Kurr or running water for such time, that the water would penetrate into its entire structure. And if the earthenware is moist, preventing water from reaching its inner parts, then it should be allowed to dry up, before it is put in Kurr or running water.

156. A najis utensil can be made *Pak* with under-Kurr water in two ways: (i) The utensil should be filled up with water and emptied three times. (ii) Some quantity of water is poured in it, and then the utensil is vigorously shaken, so that the water reaches all najis parts before it is spilled. This should be done three times.

157. If a large pot like a cauldron etc. becomes najis, it will be *Pak* if it is filled up with water three times, and emptied every time. Alternatively, if water is poured from above three times, in such a way that it reaches all its sides, and then the water which collects at the bottom is drawn out everytime, it will become *Pak*. But as a recommended precaution, the vessel used for drawing out water should be washed, when being used for the second and third time.

158. * If najis copper and similar things are melted, and washed with water, their exterior becomes *Pak*.

159. * If a baking oven (Tannur) becomes najis with urine, and if water is poured into it once from above, in a manner that it reaches all its sides, the oven will become *Pak*. But as a recommended precaution, this should be done twice. And if the oven has become najis due to something other than urine, then the najasat should be eliminated first, and thereafter, water will be poured into it as described. It is better that a pit or hole is dug at the bottom, so that water collects there. That water is then drawn out, and the pit is filled with *Pak* earth.

160. * If a najis thing is immersed once in Kurr or running water, in such a way that water reaches all its najis parts, it becomes *Pak*. And in the case of a carpet or dress, it is not necessary to squeeze or wring or press it. And when body or dress is najis because of urine, it must be washed twice even in Kurr water.

161. * When a thing which has become najis with urine, is to be made *Pak* with water less than Kurr, it should be poured once, and as water flows off eliminating all the traces of urine, the thing will become *Pak*. But if dress or body has become najis because of urine, it must be washed twice so that it is *Pak*. When a cloth or a carpet and similar things are made *Pak* with water which is less than Kurr, it must be wrung, or squeezed, till the water remaining in it runs out.

162. * If anything becomes najis with the urine of a suckling child, who has not yet started taking solid food, and, as a precaution, is less than two

years old, the thing will be *Pak* if water is poured over it once, reaching all parts which had been najis. As a recommended precaution, water should be poured over it once again. And if it is a carpet or dress etc. it will not be necessary to squeeze it.

163. * If anything becomes najis with najasat other than urine, it becomes *Pak* by first removing the najasat and then pouring under Kurr water once, allowing it to flow off. But, if it is a dress etc., it should be squeezed so that the remaining water should flow

off.

164. * If it is proposed to make *Pak* a mat, woven with thread, it should be immersed in Kurr or running water. When the essential najasat disappears from it, it will be *Pak*. But if one uses under Kurr water for making it *Pak*, then it must be wrung or squeezed in whatever way possible, even by passing it under the feet, till water in it runs off.

165. * If the exterior of wheat, rice, soap etc. becomes najis, it becomes *Pak* by dipping it in Kurr or running water. But, if their interior becomes najis, they will be *Pak* if Kurr or running water reaches the internal parts. However, in the case of a soap and similar objects, water does not reach the internal parts at all.

166. * If one doubts whether najis water has seeped into the interior of soap or not, its interior will be considered *Pak*.

167. * If the outer part of rice, meat, or any other similar thing becomes najis, it may be placed in a bowl etc., and then water is poured on it once. Then the bowl is emptied, so that the objects in it become *Pak*. But if the bowl itself is najis, this process must be repeated three times. At the end, the bowl will also become *Pak*. If one wishes to make a dress or similar thing *Pak* in a container, one will pour water, and then press and squeeze the object and tilt the container, so that the remaining wa ter pours off.

168. * If a najis dress, which has been dyed with indigo or with any similar dye, is dipped into Kurr or running water, it will become *Pak* if water reaches all its parts before water becomes mudhaaf with colour. But if it is

made *Pak* with less than Kurr water, it will become *Pak* only if mudhaaf water does not come out at the time of wringing or squeezing.

169. If a dress is washed with Kurr-water or running water, and later, for example, black mud is found stuck on it, the dress will be *Pak* if one does not suspect that the black mud has prevented water from reaching the dress.

170. * If slush of mud or soap is seen on dress etc. after being made *Pak* with water, it will be considered *Pak*. However, if najis water has reached the interior of mud or soap, then the exterior of the slush will be *Pak*, and its interior will be najis.

171. A najis thing does not become *Pak* unless the *Najisul Ayn* is removed from it, but there is no harm if the colour, or smell of the najasat remains in it. So, if blood is removed from a cloth, and the cloth is made *Pak* with water, it will become *Pak* even if the colour of blood remains on it. But if, on account of the smell or colour, it becomes certain, or seems probable that some particles of najasat are still present in the cloth etc., it will remain najis.

172. * If najasat of the body is removed in Kurr or running water, the body will become *Pak*, except when it is najis because of urine, for which one washing is not enough. But it is not necessary to walk in and out of water to achieve two washing. If

a person under water wipes the najis part with hand, allowing water to reach there again, it will suffice.

173. * If najis food remains between the teeth, and water is taken in the mouth and moved in such a way that it reaches the entire najis food, the food becomes *Pak*.

174. * If the najis hair of head and face is washed with under Kurr-water and if it is not overgrown, it is not necessary to squeeze them for remaining water to flow off.

175. * If a part of the najis body, or dress is washed with under Kurr-water the parts adjacent to it where water usually reaches will become *Pak*,

when the najis part becomes *Pak*. It means that it is not necessary to wash those sides independently, as t he najis part and parts around it become *Pak* together. And similar is the case, if a *Pak* thing is placed by the side of a najis thing, and water is poured on both of them. Hence, if water is poured on all fingers while trying to make one najis finger *Pak*, and najis as well as *Pak* water reaches them all, they will all be *Pak* together.

176. Meat or fat which becomes najis, can be made *Pak* with water like all other things. Same is the case if the body or dress has a little grease on it, which does not prevent water from reaching it.

177. If a utensil or one's body is najis, but also so greasy that water cannot reach it, one should first remove the grease, so that water may reach one's body, or the utensil before making it *Pak*.

178. Tap water which is connected with Kurr-water is considered to be Kurr.

179. If a person washes a thing with water, and becomes sure that it has become *Pak*, but doubts later whether or not he had removed the *Najisul Ayn* from it, he should wash it again, and ensure that the *Najisul Ayn* has been removed.

180. If the ground which absorbs water (e.g. land on the surface of which there is fine sand) becomes najis, it can be made *Pak* with under-Kurr water.

181. * If the floor which is made of stones, or bricks or other hard ground, in which water is not absorbed, becomes najis, it can be made *Pak* with under-Kurr water, but, it is necessary that so much water is poured on it that it begins to flow. And if that water is not drained out, and it collects there, it should be drawn out by a vessel or soaked by a cloth.

182. If the exterior of salt-stone or something resembling it, becomes najis, it can be made *Pak* with under-Kurr water.

183. If najis sugar, or syrup is turned into solid cubes, or granules, it will not become *Pak* if it is immersed in Kurr or running water.

2. Earth

184. * The earth makes the sole of one's feet and shoes *Pak*, provided that the following four conditions are fulfilled: (i) The earth should be *Pak*. (ii) The earth should be dry, as a precaution. (iii) As an obligatory precaution, the najasat should have stuck from the earth. (iv) If *Najisul Ayn*, like blood or urine, or something which has become najis, like najis clay, is stuck on the sole of a foot, or a shoe, it will be *Pak* only if it is cleared by walking on earth, or by rubbing the foot of the shoe against it. Therefore, if the *Najisul Ayn* vanishes by itself, and not by walking or rubbing on the ground, the foot or the sole will not be *Pak* by earth, as an obligatory precaution. And the earth should be dust or sand, or consisting of stones or laid with bricks; which means walking on carpet, mats, green grass will not make the sole of feet or shoes *Pak*.

185. Walking over a tar road, or a wooden floor, will not make the najis sole of feet and shoes *Pak*. It is a matter of Ishkal.

186. In order to make the sole of one's feet or shoe *Pak*, it is better that one should walk a distance of at least fifteen arm-lengths or more, even if the najasat disappears by walking a lesser distance, or by rubbing one's foot on earth.

187. It is not necessary that the najis sole of one's feet or shoe are wet. They become *Pak* by walking on earth, even if they are dry.

188. When the najis sole of one's foot or shoe becomes *Pak* by walking on earth, the parts adjacent to it, which are usually blotched with mud, become *Pak*.

189. If a person moves on his hands and knees, and his hands or knees become najis, it is improbable that they become *Pak* by such movement. Similarly, the end of a stick, the bottom of an artificial leg, the shoe of quadruped and the wheels of a car or a cart etc. would not be *Pak*.

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190. If after walking, the smell or colour of the najasat, or its invisible particles, remain in the sole of the feet or the shoe, there is no harm in it, although the recommended precaution is that one should walk so much, that these things also disappear.

191. * The inner part of the shoe does not become *Pak* by walking, and similarly, the under part of the socks will not become *Pak*, unless it is made of skin or something similar, and one walks with it.

3. The Sun

192. * The sun makes the earth, building, and the walls *Pak*, provided the following five conditions are fulfilled: (i) The najis thing should be sufficiently wet, and if it is dry, it should be made wet so that the sun dries it up.
(ii) If the *Najisul Ayn* is present on that thing, it should be removed from it before it is dried by the sun.

(iii) Nothing should intervene between the najis thing and the sun. Therefore, if the rays fall on the najis thing from behind a curtain etc, or a cloud, and makes it dry, the thing will not become *Pak*. But, there is no harm if the cloud is so thin that it does not serve as an impediment, between the najis thing and the sun.
(iii) Only the sun should make the najis thing dry. So, if a najis thing is jointly dried by the wind and the sun, it will not become *Pak*. However, it would not matter if the wind blows lightly, and it may not be said that it has had any share in making the najis thing dry.
(iv) The sun should dry up the whole najis part of the building all at once. If the sun dries the surface of the najis earth, or building, first, and later on dries the inner part, only the surface will become *Pak*, and the inner portion will remain najis.

193. * A najis mat will be made *Pak* by the sun, but if it is woven with threads, then the threads becoming *Pak* is a matter of Ishkal. Similarly, the sun does not, in all probabilities, make *Pak* the trees, the grass, the doors and the windows.

194. If the sun shines on najis earth, and one doubts later whether the earth

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was wet or not at that time, or whether the wetness dried up because of the sunshine or not, the earth will remain najis. Similarly, if one doubts whether *Najisul Ayn* had been removed from the earth before sunshine, or whether there was any impediment preventing direct sunshine, the earth will remain najis.

195. If the sun shines on one side of a najis wall and as a consequence of it, the other side of the wall also dries up, then both the sides will be considered *Pak*.

4. Transformation (Istihala)

196. If a najis thing undergoes such a , that it assumes the category of a *Pak* thing it becomes *Pak*; for example, if a najis wood burns and is reduced to ashes, or a dog falls in a salt-marsh and transforms into salt, it becomes *Pak*. But a thing do es not become *Pak* if its essence or category does not change; like, if wheat is ground into flour, or is used for baking bread, it does not become *Pak*.

197. * Any earthenware which is made of najis clay, is najis. But coal derived from najis wood will be *Pak*, if it has no semblance of its origin.

198. A najis thing about which it is not known whether it has undergone any transformation (Istihala) or not, remains najis.

5. Change (Inqilab)

199. Any liquor which becomes vinegar by itself, or by mixing it with vinegar or salt, becomes *Pak*.

200. * Wine which is prepared from najis grapes etc., or if any external najasat reaches it, would not become *Pak*, if it turns into vinegar.

201. Vinegar which is prepared from najis grapes, raisins and dates is najis.

202. If tiny stems and stalks from grapes or dates are added, and then vinegar is poured over it, or, if cucumber and brinjal is added before it turns into vinegar, there will be no harm, except if it becomes an intoxicant, before becoming vinegar.

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(34)

203. * If the juice of grapes ferments by itself, or when heated, it becomes haraam. However, if it boils so much that only 1/3 part of it is left, it becomes halal. And it has already been mentioned in rule 114 that the juice of grapes does not become najis on fermentation.

204. * If 2/3 of the grape juice gets reduced without fermentation, and the remainder ferments, and if it is commonly held as grape juice and not as syrup, it will be haraam, as an obligatory precaution.

205. The juice of grapes, about which it is not known whether fermentation has taken place or not, is halal. But if it ferments, then it will not be halal till 2/3 of it is gone.

206. If, for example, there are some ripe grapes in a bunch of unripe grapes, and the juice of that bunch is not commonly known as "grape juice", it will be halal even if it ferments.

207. If one grape falls in something which is boiling with heat, and if it ferments, but does not get dissolved in it, eating that grape alone will be haraam.

208. If juice of grapes is being cooked in several pots, it is permissible to use the same spoon for the pot which has boiled, and the one which has not.

209. A thing, about which one does not know whether it is unripe grapes or ripe grapes, will be halal if it ferments.

6. Transfer (Intiqal)

210. * If the blood of a human being, or of an animal whose blood gushes forth when its large vein is cut, is sucked by an insect, normally known to be bloodless, and it becomes part of its body, the blood becomes *Pak*. This process is called Intiqal.
But when a blood-sucking leech sucks human blood during some treatment, it will be najis, because it is not considered as part of its body – it is considered as human blood.

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(35)

211. If one kills a mosquito which has sat on one's body, and blood which it has sucked comes out, it will be considered *Pak*, as it was destined to be its part, even if the time gap between its sucking and it being killed be very small. However, as a recommended precaution, one should avoid such blood.

7. Islam

212. If an unbeliever testifies Oneness of Allah, and the Prophethood of Prophet Muhammad, in whatever language, he becomes a Muslim. And just as he was najis before, he becomes *Pak* after becoming a Muslim, and his body, along with the saliva and the sweat, is *Pak*. But if he has any *Najisul Ayn* in his body, it should be removed,

and then washed. In fact, that part should be washed even if the *Najisul Ayn* had been removed earlier, as per obligatory precaution.

213. * If before an unbeliever becomes a Muslim, his wet dress touched his body, as an obligatory precaution, it should be avoided, regardless of whether it is on his body or not.

214. If an unbeliever professes Islam, he will be *Pak* even if another person is not sure whether he has embraced Islam sincerely, or not. And the same order applies even if it is known that he has not sincerely accepted Islam, but his words or deeds do not betray anything which may be contrary to the confirmation by him of the Oneness of Allah, and of Prophet Muhammad being Prophet of Allah.

8. Subjection (TABA'IYAT)

215. Taba'iyat means that a najis thing become *Pak*, in subjection of another thing becoming *Pak*.

216. When wine is transformed into vinegar, its container, up to the level wine reached on account of fermentation, will become *Pak*. But, if the back part of the container became najis because of contact with wine, it should be avoided, even after wine h as transformed into vinegar.

217. * The child of an unbeliever becomes *Pak* by Taba'iyat, in two cases:

(i) If an unbeliever embraces Islam, his child in subjection to him becomes *Pak*. Similarly, if the mother, paternal grandfather, or paternal grandmother of a child embraces Islam, the child will become *Pak*, provided that it is in their custody and care.
(ii) If the child of an unbeliever is captured by Muslims, and his father, paternal grandfather or maternal grandfather is not with him, he becomes *Pak*. In both the cases, the child becomes *Pak* by subjection, on the condition that if it has attained the ag e of understanding and discerning, it does not show inclination to Kufr.

218. The plank or slab of stone on which a dead body is given Ghusl, and the cloth with which his private parts are covered, and the hands of the person who gives Ghusl and all things washed, together with the dead body, become *Pak* when Ghusl is over.

219. When a person washes something with water to make it *Pak*, his hands washed along with that thing, will be *Pak* when the thing is *Pak*.

220. * If cloth etc. is washed with under-Kurr water and is squeezed as usual, allowing water to flow off, the water which still remains in it is *Pak*.

221. * When a najis utensil is washed with under-Kurr water, the small quantity of water left in it after spilling the water of final wash, is *Pak*.

9. Removal of Najisul Ayn

222. * If body of an animal is stained with an *Najisul Ayn* like blood or with

something which has become najis, for example, najis water, its body becomes *Pak* when the najasat disappears. Similarly, the inner parts of the human body, for example inner parts of mouth, or nose or inner ears become *Pak*, after the najasat has disappeared. But the internal najasat, like the blood from the gums or the teeth, does not make inner mouth najis. Similarly, any external thing which is placed internally in the bo dy, does not become najis when it meets with the internal najasat. So if the dentures come in contact with blood from other teeth, it does not require rinsing. Of course, if it contacts najis food, it must be made *Pak* with water.

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223. * If food remains between the teeth, and blood emerges within the mouth, the food will not be najis if it comes in contact with that blood.

224. * Those parts of the lips and the eyes which overlap when shut, will be considered as inner parts of the body, and they need not be washed when external najasat reaches them. But a part of which one is not sure whether it is internal or external, must be washed with water if it meets with external najasat.

225. If najis dust settles on a cloth or carpet, but is shaken off and thereafter, something wet touches that cloth etc. that thing will not become najis.

10. Istibra of an Animal which Eats Najasat

226. * The dung and urine of an animal which is habituated to eating human excrement, is najis, and it could be made *Pak* by subjecting it to "Istibra", that is, it should be prevented from eating najasat, and *Pak* food should be given to it, till such time that it may no more be considered an animal which eats najasat.
As a recommended precaution, the following animals should be prevented from eating najasat for the period specified:

- Camel for 40 days
- Cow for 20 days
- Goat/Sheep for 10 days
- Water-fowl for 7 or 5 days
- Domestic hen for 3 days The period specified should be completed, even if the animals cease to be considered as eaters of najasat earlier than that.

11. Disappearance of a Muslim

227. * When body, dress, household utensil, carpet or any similar thing which has been in the possession of a Muslim becomes najis, and thereafter that Muslim disappears, the things in question can be treated as *Pak*, if one believes that he may have was hed them. But the recommended precaution is that he should not take them as *Pak*, except with the following conditions:

- That Muslim should be believing in the najasat of an object which made his body or dress najis. For example, if his dress with its wetness touches

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a Kafir, and he does not believe a Kafir to be najis, his dress will not be deemed *Pak* after his disap pearance.

- That Muslim should know that his body or dress has touched a najis thing.

- That the man should have been seen using that thing for a purpose which requires it being *Pak*. For example, he should have been seen offering prayers with that dress.
- There should be an expectation that the Muslim knows that the condition for the act he wants to perform is to be *Pak*. For example, if he does not know that the dress of one who offers prayers should be *Pak*, and he offers prayers with a najis dress, that dress cannot be considered to be *Pak*.
- The Muslim should be conscious of the difference between najis and *Pak*, and that he should not be careless about it. If he is careless, his things will not be considered *Pak*.

228. * If a person is certain or satisfied that a thing which was najis has become *Pak*, or if two just persons testify showing why it is *Pak*, then that thing is *Pak*. And similarly, when a person who possesses the najis thing, reliably says that it has become *Pak*, or when a Muslim has washed the najis thing with water, even if it may not be known whether or not he has washed it properly, the thing will be considered *Pak*.

229. If a person undertakes to wash and make *Pak* the dress of another person and confirms having washed it, and if the other person is satisfied with what he is told, the dress is *Pak*.

230. * If a person is in such a mental state that he can never be certain about a najis thing becoming *Pak*, he should follow the method used by the common people.

12.Flowing out of Blood of a Slaughtered Animal in Normal Quantity

231. As stated in rule 98, if an animal is slaughtered in accordance with the rules prescribed by Islam, and blood flows out of its body in normal quantity, the blood which still remains in the body of the animal is *Pak*.

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232. * The above rule is applicable only to an animal whose meat is halal to eat, and does not apply to an animal whose meat is haraam. In fact, as a recommended precaution, it does not apply to the haraam parts of the body of an animal, whose meat is halal to eat.

Rules About Utensils

233. If a utensil is made of the hide of a dog, or a pig or the dead animal (not slaughtered lawfully), it is haraam to eat or drink anything from that utensil, if its najasat is caused by wetness. Also, that utensil should not be used for Wudhu and Ghusl, and for other purposes for which only *Pak* things should be used. And the recommended precaution is that the skin of a dog, or pig or a dead animal, should not at all be used, even if it is not in the form of a utensil.

234. It is haraam to use gold and silver vessels for eating and drinking purposes, and as an obligatory precaution, their general use is also haraam. However, it is not haraam to have them in possession as item of decoration, although it is better to avoid them as a precautionary measure. Similarly, it is not haraam to manufacture gold and silver vessels, or to buy and sell them for possession or decoration, but it is better to avoid.

235. * If the clip of a tea-glass (istakaan) made of gold or silver is classified as a utensil, it will be equivalent to a tea-glass made of gold or silver (and it will be haraam to use it for drinking purposes). And if it (the clip) is not classified as utensil, there is no harm in using it.

236. * There is no harm in using vessels which are gold-plated or silver-plated.

237. There is no harm in using a utensil which is made of alloy mixed with gold and silver, if the proportion of alloy is such that the utensil cannot be said to be made of gold or silver.

238. * If a person transfers food from the utensil made of gold or silver into another utensil, he can eat in or from it, provided that the later utensil is not considered as part of the package.

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239. There is no harm using the tip of the pipe used in Huqqa, or the scabbard of a sword, or knife, or the frame of the Holy Qur'an made of gold or silver. However, the recommended precaution is that the receptacles of perfume, or surma, or opium made of gold or silver should not be used.

240. There is no harm in eating or drinking from gold and silver utensils, if one is helpless and has no alternative, but he should not eat or drink to his fill.

241. There is no harm in using a utensil, about which it is not known whether it is made of gold or silver, or something else.

Wudhu

242. In Wudhu, it is obligatory to wash the face and hands, and to wipe the front portion of the head and the upper part of two feet.

243. * The length of the face should be washed from the upper part of the forehead, where hair grow, up to the farthest end of the chin, and its breadth should be washed to the part covered between the thumb and the middle finger. If even a small part of this area is left out, Wudhu will be void. Thus, in order to ensure that the prescribed part has been fully washed, one should also wash a bit of the adjacent parts.

244. If the hands or the face of a person are larger or smaller than normal, he should observe how people normally wash their faces, and follow accordingly. Also, if he has hair on part of his forehead, or the frontal part of his head is bald, he should wash his forehead as is usually washed by the people.

245. If a person suspects that there is dirt or something else in the eyebrows, and corners of his eyes, and on his lips, which does not permit water to reach them, and if that suspicion is reasonable, he should examine it before performing Wudhu, and remove any such thing if it is there.

246. If the skin of the face is visible from under the hair, one should make the water reach the skin, but if it is not visible, it is sufficient to wash the hair, and it is not necessary to make the water reach beneath the hair.

247. If a person doubts whether his skin is visible from under the hair of the face or not, he should, as an obligatory precaution, wash his hair, and also make the water reach the skin.

248. * While performing Wudhu, it is not obligatory that one should wash the inner parts of the nose, nor of the lips and eyes which cannot be seen

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when they close. However, in order to ensure that all parts have been washed, it is obligatory that some portion of these parts (i.e. inner parts of nose, lips and eyes) are also included. And if a person did not know how much of the face should be washed, and does not remember whether he has washed his face thoroughly in Wudhu already performed, his prayers will be valid, and there will be no need to do fresh Wudhu for the ensuing prayers.

249. * The face and hands should be washed from above downwards, and if one washes the opposite way, his Wudhu will be void.

250. * If a person makes his hand wet, and passes it over his face and hands, and if the moisture in the hand is enough to cover both thoroughly, it will be sufficient. It is not necessary that water flows on the face or the hands.

251. * After washing the face, one should first wash the right hand and then the left hand, from the elbows to the tips of the fingers.

252. * In order to ensure that each elbow has been washed thoroughly, one should include some portion above the elbow in washing.

253. If before washing his face, a person has washed his hands up to the wrist, he should, while performing Wudhu, wash them up to the tips of the fingers, and if he washes them only up to the wrist, his Wudhu is void.

254. * While performing Wudhu, it is obligatory to wash the face and the hands once, and it is recommended to wash them twice. Washing them three or more times is haraam. As regards to which washing should be treated as the first, it will depend upon wa shing the face and hand thoroughly, leaving no room for precaution, with the niyyat of Wudhu. So, if he pours water on his face ten times with the intention of the first washing, there is no harm, but when he will then wash with the niyyat of Wudhu, it wi ll be called the first time. Thus, he can go on pouring water on his face several times, and in the final wash, make the niyyat of Wudhu. But if he follows this procedure, then the face and the hands should be washed once only, as an obligatory precaution .

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255. After washing both the hands, one performing Wudhu should wipe the front part of his head with the wetness which is in his hand; the recommended precaution is that he should wipe it with the palm of his right hand, from the upper part, downwards.

256. The part on which wiping should be performed, is one fourth frontal part of the head. It is sufficient to wipe as much at any place in this part of the head, although the recommended precaution is that the length should be equal to one finger, and i ts breadth should be equal to three joined fingers.

257. It is not necessary that the wiping of the head should be performed on its skin. It is also in order if a man wipes the hair on the front of his head. However, if the hair are so long that when combed they fall on his face, or on other parts of his head, he should wipe his hand on the roots of his hair, or part the hair and wipe the skin. If a person collects his hair on the front side of his head, or on other parts of his head and wipes them, or if he wipes the hair of other places, such a wiping would be void.

258. * After wiping the head, one should wipe with the moisture present in one's hands, one's feet from any toe of the foot up to the joint. As a recommended precaution, the right foot should be wiped with the right hand, and the left foot with the left hand.

259. Wiping of the feet can have any breadth, but it is better that the breadth of the wiping should be equal to three joined fingers, and it is still better that the wiping of the entire foot is done with the entire hand.

260. * As a precaution, at the time of wiping the foot, one should place one's hand on the toes and then draw it to the joint, or that one should place the hand on the joint and draw it to the toes. One should not simply place the whole hand on the foot , and pull it a little.

261. * While wiping one's hand and feet, it is necessary to move one's hand on them, and if the feet and head are moved leaving the hand stationary, Wudhu would be void. However, there is no harm if the head and feet move slightly, while the hand is being moved for wiping.

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262. * The parts of wiping should be dry, and if they are so wet that the wetness of the palm of the hand has no effect on them, the wiping will be void. However, there is no harm if the wetness on those part is so insignificant, that the moisture of th e palm overcomes it.

263. If wetness disappears in the palm, it cannot be made wet with fresh water. In that situation, the person performing Wudhu should obtain moisture from his beard. If he obtains moisture from any part other than the beard, it would be improper, and is a matter of Ishkal.

264. * If the wetness of palm is just enough for wiping the head, then as an obligatory

precaution, one should wipe the head first, and for the wiping of feet, the wetness should be obtained from the beard.

265. * Wiping performed on socks or shoes is void. But if one is unable to remove his socks or shoes because of severe cold, or fear of life, or a robber, the obligatory precaution is that he will wipe on the socks or shoes, and then perform *tayammum* al so. And if a person is under Taqayya (hiding one's faith), he can perform wiping on his socks and shoes.

266. If the upper part of his feet is najis, and it cannot also be washed for wiping, one should perform *tayammum*.

Wudhu By Immersion (Wudhu Irtimasi)

267. * Wudhu by immersion means that one should dip one's face and hands into water, with the intention of performing Wudhu. And there can be no problem in performing wiping with the moisture thus acquired, though it is against precaution.

268. Even while performing Wudhu by immersion, one should wash one's face and hand downwards from above. Hence, when a person dips his face and hands in water, with the intention of Wudhu, he should dip his face in water from the forehead and his hands from elbows.

269. There is no harm in performing Wudhu of some parts by immersion, and of others in the usual way.

Recommended Supplications

270. It has been recommended that a person performing Wudhu should recite the following supplication when his eyes fall on water: Bismillahi wa billahi wal hamdu lil lahil lazi ja'alal ma'a tahura wa lam yaj alhu najisa. (I begin my ablution in the Name of Allah. All praise is due to Allah, Who made water purifying, and not najis).
While washing the hands before performing Wudhu, one should say: Alla hummaj alni minat tawwabina waj alni minal mutatah hirin. (O Lord! Make me of those who repent and purify themselves).
While rinsing the mouth one should say: Alla Humma laq qini hujjati yawma alqaka waatliq lisani bizikrika. (O Lord! Dictate to me the principles of faith on the Day I meet You, and make my tongue fluent with Your remembrance).
While washing the nose one should say: Alla humma la tuharrim 'alaya rihal jannati waj 'alni mim man yashummu riha ha wa rawha ha wa tiba ha. (O Lord! Do not deprive me of the fragrance of Paradise, and make me of those who smell its fragrance and perfume).
While washing the face, one should say: Alla humma bayyiz wajhi yawma taswaddufihil wujuh wala tusawwid waj hi yawma tabyazzul wujuh. (O Lord! Make my face bright on the Day when the faces will turn dark. Do not darken my face on the Day when the face s are bright).
While pouring water over the right elbow, one should say: Alla humma a'tini kitabi bi yamini wal khulda fil jinani bi yasari wa hasibni hisaban yasira. (O Lord! Give my book of deeds in my right hand, and a permanent stay in Paradise on my left, and make my reckoning an easy one).

While pouring water over the left elbow, one should say: Alla humma la tutini kitabi bishimali wala min wara'i zahri wala taj alha maghlu latan ila unuqi wa a'uzu bika min muqat ta'atin niran. (O Lord! Do not give my book of deeds in my left hand, n or from behind my back, nor chain it to my neck. I seek refuge in You from the Hell-fire).
While performing the wiping of the head, one should say: Alla humma ghashshini bi rahmatika wa barakatika wa 'afwika. (O Lord! Cover me with Your Mercy, Blessings and Forgiveness).
While performing the wiping of the feet, one should say: Alla humma thabbitni alas sirati yawma tazillu fihil aqdam. Waj'al sa'yi fi ma yurzika

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'anni ya zal jalali wal ikram. (O Lord! Keep me firm on the Bridge (to Paradise) on the Day when the feet will slip, and help me in my efforts to do things which will please You, O' Glorious and Mighty!).

Condition for the Validity of Wudhu (13 off)
following are the conditions for a correct Wudhu:
- The first condition is that the water should be *Pak*s, and clean, not sullied with dirt, even if that dirt is *Pak*.
- The second condition is that the water should be pure, and not mixed.

271. Wudhu performed with najis or mixed water is void,even if one may not be aware of its being najis, or mixed, or may have forgotten about it. And if one has offered prayers with that Wudhu, one should repeat that prayers with a valid Wudhu.

272. * If a person does not have any water to perform Wudhu, except that which is murky with clay, he should perform tayammum if only a short time is left for prayers; and if he has enough time at his disposal, he should wait till the water becomes lim pid, and then perform Wudhu with it.
- The third condition is that the water should be Mubah (permissible for use).

273. * To perform Wudhu with usurped water, or with water about which one does not know whether the owner would allow its use, is haraam, and Wudhu will be void. Furthermore, if the water of Wudhu used for washing face and hands, falls on usurped land, or if the space in which he performs Wudhu is usurped, his obligation will be to do *tayammum*, if he has no other place to go for Wudhu. And if another lawful place is available, he should go there for Wudhu. And if he does Wudhu at the first place, his Wudhu will be valid, but he will have committed a sin.

274. * If a person does not know whether the pool or tank of water of a madressah has been dedicated to the general public, or exclusively to the students of madressah, there is no harm in doing Wudhu there, provided that people usually do so at that place without prohibition.

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275. * If a person who does not wish to offer prayers in a particular mosque, is not aware whether its pool has been dedicated to the general public, or specifically to those who offer prayers in that mosque, he cannot perform Wudhu with the water of th e pool of that mosque. However, if people who do not pray in that mosque, usually

perform Wudhu there, without any prohibition, he can perform Wudhu from that pool.

276. * Performing Wudhu from the pools of the inns and hotels etc. by persons who are not residing there, is valid if the other persons who are not staying there usually perform Wudhu with that water, without being prohibited.

277. * There is no harm if a person performs Wudhu in the water flowing in big canals, even if he does not know whether the owner of that canal would allow. But, if the owner of the canal prohibits performing Wudhu with that water, or if he is a minor, or an insane person, then as a recommended precaution, one should refrain from doing Wudhu in it.

278. * If a person forgets that the water has been usurped, and performs Wudhu with it, his Wudhu is in order. But, if a person has usurped the water himself, and then forgets about it, his Wudhu with that water will be void.

- The fourth condition is that the container of the water, used by the person concerned for Wudhu, should be Mubah (permissible for use by him).

- The fifth condition is that, as an obligatory precaution, the container of the water used for Wudhu should not be made of gold or silver. The details of these two rules will follow later.

279. * If the water for Wudhu is in a usurped container or is in the vessels of gold and silver, and there is no other water available, he should transfer that water lawfully into another container, and then do Wudhu. If he cannot possibly do that, he s hould perform *tayammum*. However, if he has other water, he should use that for Wudhu. And in either case, if he acts against the rule and performs Wudhu with the water which is either in a usurped container, or is made of gold or silver, his wudhu will be in order.

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280. A pool of water which has a usurped stone or brick in it, can be used for Wudhu, if drawing water from it would not in any way amount to using that brick or stone. If it amounts to that, then drawing water will be haraam, but Wudhu will be valid.

281. If a pool or a canal is dug in the courtyards of the Shrines of Imams, or their descendents, which was previously a grave-yard, there is no harm in performing Wudhu with water of that pool or canal, if he did not know that land was previously dedicated as a graveyard.

- The sixth condition is that parts of the body on which Wudhu is performed, should be *Pak*, at the time of washing and wiping. 282. If the place which has been already washed or wiped in Wudhu becomes najis, before the completion of the Wudhu, it will be deemed valid.

283. If any other part of the body other than the parts of Wudhu is najis, the Wudhu will be in order. However, if the outlet of urine or excretion have not been made *Pak*, the recommended precaution is that one should make them *Pak* first, and then perform Wudhu.

284. * If any one part of Wudhu was najis, and after performing Wudhu one doubts whether he washed it before Wudhu or not, his Wudhu will be valid. But he should wash the part which was najis.

285. If a person has a cut or wound on his face, or hands, and the blood from it does not stop, and if water is not harmful for him, he should, after washing the healthy parts of that limb in proper sequence, put the place of wound or cut in Kurr-water o r running water, and press it a little so that the blood may stop. Then he should pass his finger on the wound or cut, within the water, from above downwards, so that water may flow on it. This way his Wudhu will be in order.

- The seventh condition is that the person doing Wudhu should have sufficient time at his disposal for Wudhu and namaz.

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286. If the time is so short that by doing Wudhu, the entire prayers or a part of it will have to be offered after its time, he should perform *tayammum*. But if he feels that the time required for *tayammum* and Wudhu is equal, then he should do Wudhu.

287. * If a person who should have performed *tayammum* owing to little time for namaz at his disposal, performs Wudhu with the niyyat of *Qurbat*, or for any Mustahab act, like, reading the holy Qur'an, his Wudhu is in order. Similarly, his Wudhu will be valid if he did it for that namaz, as long as it was not devoid of niyyat of *Qurbat*.

- The eighth condition is that one should perform Wudhu with the niyyat of *Qurbat* i.e. to obey the orders of Allah. If, a person performs Wudhu, for the purpose of cooling himself or for some other purpose, the Wudhu would be void.

288. It is not necessary that one should utter the niyyat of Wudhu in words, or think about it in his mind. It is sufficient that all the acts relating to Wudhu are performed in compliance with the order of Almighty Allah.

- The ninth condition is that Wudhu should be performed in the prescribed sequence, that is, he should first wash his face, then his right hand and then his left hand, and thereafter, he should wipe his head and then the feet. As a recommended precaut ion, he should not wipe both the feet together. He should wipe the right foot first and then the left.

- The tenth condition is that the acts of Wudhu should be done one after the other, without time gap in between.

289. * If there is so much gap between the acts of Wudhu, that it can not be said that it is being performed in normal succession, Wudhu will be void. But if there is a justifiable excuse, like water being exhausted or forgetting, at the time of washing or wiping, he should first ensure that all the preceding parts which he had washed or wiped have not dried up. If they have all dried up, his Wudhu will be void. But if all the parts have not dried up, then his Wudhu will be in order. For example, while washing his left arm, he

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finds that his right arm has dried up, but his face is still wet, his Wudhu will be valid.

290. If a person performs acts of Wudhu consecutively, but the moisture of the previous parts dries up owing to hot weather, or excessive heat of the body or any other similar cause, his Wudhu is in order.

291. * There is no harm in walking while performing Wudhu. Hence, if after washing his face and hands, a person walks a few steps and then wipes his head and feet, his Wudhu is valid.

- The eleventh condition is that a person doing Wudhu should wash his hands and face and wipe his head and feet himself. Hence, if another person makes him perform Wudhu, or helps him in pouring water over his face, or hands, or in wiping his head, or feet, his Wudhu is void.

292. * If a person cannot perform Wudhu himself, he should appoint someone to assist him, even if it means washing and wiping jointly. And if that person demands any payment for that, he should be paid, provided one can afford, and one does not sustain any loss. But he should make niyyat of Wudhu himself, and should wipe using his own hands. If the person himself cannot participate in actually doing Wudhu, and if he must be assisted by another person, then an obligatory precaution is that both should make the niyyat of Wudhu. Then his assistant will hold his hand, and help him do the wiping. And if that is not possible, he will take some moisture from his hands, and with that moisture wipe his hand and feet.

293. * One should not obtain assistance in performing those acts of Wudhu, which one can perform alone.

- * The twelfth condition is that there should be no constraint for using water. 294. If a person fears that he will fall ill if he performs Wudhu, or, if water is used up for Wudhu, no water will be left for drinking, he does not have to

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do Wudhu. If he was unaware that water was harmful to him, and he performed Wudhu, and later on, it turned out to be harmful, his Wudhu will be void.

295. If one finds that using minimum quantity for washing the face and the hands properly, will not be harmful, he should do Wudhu by restricting himself to that quantity of water.

- The thirteenth condition is that there should be no impediment in the way of water reaching the parts of Wudhu.

296. * If a person finds that something has stuck to any part of Wudhu, but doubts whether it will prevent water from reaching there, he should remove that thing, or pour water under it.

297. * Dirt under the fingernails would not affect Wudhu. However, when the nails are cut, and there remains dirt which prevents water from reaching the skin, then that dirt must be removed. Moreover, if the nails are unusually long, the dirt collected beneath the unusual part, ought to be cleansed.

298. If swelling takes place on the face, or hands, or the front part of the head, or the

feet because of being burns or other reason, it will be sufficient to wash and wipe over the swelling. If there is an opening or hole in it, it will not be necessar y to reach water under the skin. In fact, if a part of its skin gets peeled off, it is not at all necessary to pour water under the unpeeled part. However, at times there is skin which hangs loose after having peeled off, it should be cut off, or water sh ould be poured underneath.

299. If a person doubts whether something has remained stuck to the parts of Wudhu, and if it is a doubt which is deemed sensible by the people, like, a potter doubting whether clay is stuck to his hands after his work, he should examine and clean his ha nds by scrubbing etc, till he is sure that there are no remnants, and that water will reach there.

300. If there is dirt on the part of Wudhu which will not prevent water

reaching the body while washing or wiping, the Wudhu will be in order. Similarly, if some white lime splashed from the whitewash stays on the body, not obstructing water from reaching it, Wudhu will be valid. And if one doubts whether it may obstruct, then one should remove the splashed particles.

301. * If a person was aware before performing Wudhu, that on some parts of Wudhu, there is something which could prevent water from reaching them, but if he doubts after performing Wudhu whether water reached those parts or not, his Wudhu will be valid .

302. * If on some part of Wudhu, there is an obstruction which at times allows water to reach the skin and at times does not, and if he doubts after having performed Wudhu about water having reached the skin, as a recommended precaution, he should repeat the Wudhu, particularly if he had not been mindful about ensuring that water reaches.

303. * If after Wudhu a person finds something on the parts of Wudhu which prevents water from reaching the skin, not knowing whether it was present at the time of Wudhu, or it appeared later, his Wudhu would be in order. But if he knows that at the time of Wudhu he was not bothered about that obstruction, then the recommended precaution is that he should repeat Wudhu.

304. * If a person doubts after Wudhu whether any obstruction was there or not, his Wudhu will be valid.

Rules Regarding Wudhu

305. If a person doubts too often about the acts of Wudhu and its conditions, like, about water being *Pak*, or its not being usurped, he should not pay any heed to such doubt.

306. If a person doubts whether his Wudhu has become void, he should treat it as valid. But, if he did not perform Istibra (rule no. 73) after urinating, and performed

Wudhu, and thereafter some fluid was discharged about which he was not sure whether it was urine or something else, his Wudhu will be void.

307. If a person doubts whether he has performed Wudhu or not, he should perform Wudhu.

308. * If a person is sure that he has performed Wudhu, and has also committed an act which invalidates Wudhu (e.g. urinating), but does not remember which happened first, he should act as follows:

- If this situation arises before his Namaz, he should perform Wudhu.
- If it arises during Namaz, he should break it and perform Wudhu.
- If it arises after Namaz, that Namaz will be valid, but for the next prayers, however, he should perform Wudhu.

309. If after or during Wudhu, a person becomes sure that he has not washed certain parts or has not wiped them, and if the moisture of the parts preceding them has dried up due to lapse of time, he should perform Wudhu again. And if the moisture has not dried up, or has dried up owing to hot weather, or other similar causes, he should wash or wipe the forgotten part as well as the parts which follow. Similarly, if during Wudhu he doubts whether he has washed or wiped a part or not, he should follow the same rule as above.

310. * If a person doubts after namaz, whether he performed Wudhu or not, the prayers offered by him would be in order. As far the next prayers, he should perform Wudhu.

311. If a person doubts during namaz whether he has performed Wudhu, his prayers is void, and he should perform Wudhu and then pray.

312. If a person realises after offering prayers, that his Wudhu became void, but doubts whether it became void before namaz or after, the prayers offered by him will be deemed in order.

313. If a person suffers from an incontinence, due to which drops of urine come out continuously, or he is not in a position to control his bowels, he should act as follows:

- If he is sure that at some time during the prayer time, there will be a respite during which there will be a restraint, then he should perform

Wudhu and namaz at such time.

- If during the restraint, he can control his urine or excretion only for performing Wajib acts of namaz, then he should perform only obligatory acts, and abandon the Mustahab acts (e.g. Adhan, Iqamah, Qunut etc).

314. * If the time of restraint is just enough to allow Wudhu and a part of namaz, and if he discharges urine or excretion once, or several times during namaz, then as an obligatory precaution, he should do Wudhu in those moments of respite and pray.It will not be necessary for him to renew the Wudhu during namaz because of discharging urine or excretion, though as a recommended precaution, he should keep

a container by his side, make Wudhu everytime he discharges, and continue praying. But this last precaution would not apply, if due to prolonged discharge or renewal of Wudhu, the mode of prayers changes.

315. * If there is a continued incontinence, allowing no period of restraint for Wudhu, or even a part of namaz, then one Wudhu for every namaz will undoubtedly be enough. In fact, one Wudhu will be enough for several namaz, except when one commits any extraneous act, invalidating the Wudhu. However, it is recommended that he should do a fresh Wudhu for every namaz. But a fresh Wudhu is not necessary for the Qadha of a forgotten Sajdah, or Tashahhud, nor for the prayers of *Ihtiyat*.

316. It is not necessary for a person suffering from continued incontinence, to pray immediately after Wudhu, although it is better that he should be quick in offering prayers.

317. It is permissible for a person suffering incontinence to touch the script of the Qur'an, after Wudhu, even if he is not in the state of namaz.

318. A person who cannot control urine, should use a bag filled with cotton or some similar device, to protect oneself, and to prevent urine from reaching other places, and the obligatory precaution is that before every namaz, he should wash the outlet o f urine which has become najis.Moreover, a person who cannot control excretion should, if possible, prevent it from reaching other parts, at least during the time required for namaz. And the obliga-

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tory precaution is that if no hardship is involved, he should wash the anus for every prayers.

319. A person who suffers from incontinence should, if possible, try to restrain himself at least for the duration of namaz, even if may be difficult. In fact, if his ailment can be treated easily, he should get the necessary treatment .

320. * If a person who suffered incontinence, recovers from the ailment, it is not necessary for him to repeat those prayers which he offered according to his religious duty, during the period of his ailment. However, if he recovers during namaz, he should repeat that prayers, as an obligatory precaution.

321. If a person suffers from an incontinence, which renders him unable to control passing the wind, he will act according to the rules applicable to the incontinent persons described in the foregoing.

Things for which Wudhu is Obligatory

322. * It is obligatory to perform Wudhu for the following six things:

- For all obligatory prayers, except Namaz-e-Mayyit. As regards Mustahab prayers, Wudhu is a condition for their validity.
- For the Sajdah and Tashahhud which a person forgot to perform during the prayers, provided that he invalidated his Wudhu after namaz, and before performing those forgotten acts. It is not obligatory to perform Wudhu for Sajdatus sahw.

- For the obligatory Tawaf of the holy Ka'bah.
- If a person has made a Nadhr, or a solemn pledge, or taken an oath for Wudhu.
- If a person has made a Nadhr, for example, that he would kiss the Holy Qur'an.
- For washing and making *Pak* the holy Qur'an which has become najis, or for taking it out from lavatory etc. in which it has fallen, when he becomes obliged to touch the script of the holy Qur'an with his hand, or some other part of his body. But if t he delay by making Wudhu causes further desecration of the holy Qur'an, one should take it out from lavatory etc., or make it *Pak*, without performing Wudhu.

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323. It is haraam to touch the script of the holy Qur'an with any part of one's body, without performing Wudhu. However, there is no harm in touching the translation of the holy Qur'an, in any language, without Wudhu.

324. It is not obligatory to prevent a child or an insane person from touching the script of the holy Qur'an. However, if their touching the holy Qur'an violates its sanctity, they should be prevented from touching it.

325. It is haraam, as an obligatory precaution, to touch the Name of Allah or His special Attributes without Wudhu, in whichever language they may have been written. And it is also better not to touch, without Wudhu, the names of the holy Prophet of Islam, the holy Imams and Janabe Fatima Zahra (peace be upon them).

326. If a person performs Wudhu or Ghusl before the time for prayers, in order to be in state of purity, they will be deemed valid. And even if he performs Wudhu near the time of namaz, with the niyyat of preparing himself for namaz, there is no objection.

327. If a person believes that the time for prayers has set in, and makes the niyyat of Wajib Wudhu, and then realises after performing the Wudhu that the time for the prayers had not set in, his Wudhu is in order.

328. * Wudhu is Mustahab for the following purposes:
- Namaz-e-Mayyit.
- Visiting the graves.
- Entering a mosque.
- Entering the Shrines of the holy Prophets and Imams (A.S.).
- For reading, writing, or touching the margin or border of the holy Qur'an, or for keeping it with oneself.
- Before going to bed for sleep. It is also Mustahab that a person already in Wudhu, should perform a fresh Wudhu for every namaz.

If he has performed Wudhu for any one of the above purposes, he can commit all acts which require Wudhu. For example, he can even pray with that Wudhu.

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Things which Invalidate Wudhu

329. Wudhu becomes void on account of the following seven things:

- Passing of urine.
- Excretion.
- Passing wind from the rear.
- A sleep, deep enough to restrict sight and hearing. However, if the eyes do not see anything, but the ears can hear, Wudhu does not become void.
- Things on account of which a person loses his sensibility, like insanity, intoxication or unconsciousness.
- Istihaza – which will be dealt with later.
- Janabat, and, as a recommended precaution, every state which requires Ghusl.

Jabira Wudhu

The splint with which a wound or a fractured bone is bandaged or held tight and the medication applied to a wound etc. is called jabira.

330. If there is a wound, or sore, or a fractured bone in the parts on which Wudhu is performed, and if it is not bandaged, then one should perform Wudhu in the usual manner, if the use of water is not harmful.

331. If there is an unbandaged wound, sore, or broken bone in one's face or hands, and if the use of water is harmful for it, one should wash the parts adjoining the wound from above downwards, in the usual manner of Wudhu. And it is better to pass wet hand on it, if it is not harmful to do so. Therefore, he should place a *Pak* piece of cloth on it, and pass a wet hand over that cloth. But in the case of a fracture, *tayammum* must be performed.

332. * If there is an unbandaged wound, or sore or fractured bone on the front part of the head, or on the feet, and he cannot wipe it, because the wound has covered the entire part of wiping, or if he cannot wipe even the healthy parts, then it is necessary for him to do *tayammum*. And as a recommended precaution, he should also perform Wudhu, keeping a piece of *Pak* cloth on the wound etc. and wipe that cloth with the moisture of Wudhu in his hands.

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333. * If the sore, or wound, or fractured bone is bandaged, and if it is possible to undo it, and if water is not harmful for it, one should untie it and then do Wudhu, regardless of whether the wound etc. is on his face and hands, or on the front part of his head or on his feet.

334. If the wound, or sore, or the fractured bone which has been tied with a splint or a bandage is on the face or the hands of a person, and if undoing it and pouring water on it is harmful, he should wash the adjacent parts which is possible to wash, a nd then wipe the Jabira.

335. If it is not possible to untie the bandage of the wound, but the wound and the bandage on it are *Pak*, and if it is possible to make water reach the wound without any harm, water should be made to reach the wound by pouring from above downward. And if the wound or its bandage is najis, but it is possible to wash it, and to make water reach the wound, then he should wash it and should make water reach the wound at the time of Wudhu. And if water is not harmful for the wound, but it is not

possible to make water reach it, or the wound is najis and cannot be washed, he should perform *tayammum*

336. * If the jabira covers some of the parts of Wudhu, then Wudhu prescribed for Jabira is enough. But if all the parts of Wudhu are totally covered in Jabira, then, as a precaution, one should do *tayammum*, and also do Wudhu as per rules of Jabira.

337. It is not necessary that jabira should be made of things which are permissible in namaz. For example, if it is of silk, or even of the parts of an animal whose meat is haraam to eat, it is permissible to perform wiping on it.

338. If a person has jabira on his palm and fingers, and he passes a wet hand on it while performing Wudhu, he can do the wiping of his head and feet with the same wetness.

339. If the jabira has covered the entire surface of the foot, but a part from the side of the fingers, and a part from the upper side of the foot is open, one should do wiping on the foot at the open places, and also on the surface of the jabira.

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340. If a person has several jabiras on his face or hands, he should wash the places between them, and if the jabiras are on the head or on the feet, he should wipe the places between them. And as for the places where there are jabiras, he should act accordingly to the rules of jabira.

341. * If the jabira has covered unusually more space than the size of the wound, and it is difficult to remove it, then one should perform *tayammum*, except when the jabira is at the places of *tayammum* itself, in which case, it is necessary that he should perform both Wudhu and*tayammum*. And in both the cases, if it is possible to remove the jabira he should remove it. Then, if the wound is on the face and hands, he should wash its sides, and if they are on the head or the feet, he should wipe its corne rs. As for the wounds themselves, he will act according to the rules of jabira.

342. If there is no wound or fractured bone in the parts of Wudhu, but the use of water is harmful for some other reason, one should perform *tayammum*.

343. * If a person has got his vein opened on any one of the parts of Wudhu, and he cannot wash it, he must perform tayammum. But if water is harmful for it, then he should act as rules of jabira.

344. * If something is stuck on the part of Wudhu or Ghusl, and it is not possible to remove it, or its removal involves unbearable pain, then one should perform *tayammum*. But, if the thing which is stuck is a medicine, then rules relating to jabira wi ll apply to it.

345. * In all kinds of Ghusls, except the Ghusl of Mayyit, the jabira Ghusl is like jabira Wudhu. However, in such cases one should resort to Ghusl-e-tartibi.

If there is a wound, or a sore on the body, then a person has a choice between Ghusl and *tayammum*. If he decides to do Ghusl, and if there is no jabira on the place, the recommended precaution is that he should place a *Pak* piece of cloth on the unbandaged wound, or sore, and wipe over that cloth. However, if there is fractured bone in the body, he should do Ghusl and should, as a precautionary measure, also perform wiping on the jabira.

And if it is not possible to wipe on the jabira, or if the fractured bone is not in splint, it is necessary for him to perform *tayammum*.

346. If the obligation of a person is to do *tayammum*, and if at some of the places of *tayammum* he has wound, sore, or fractured bone, he should perform jabira tayammum according to the rules of jabira Wudhu.

347. * If a person who has to pray with jabira wudhu or jabira Ghusl, knows that his excuse will not be removed till the end of time for namaz, he can offer prayers in the prime time. But if he hopes that his excuse will be removed before the end of namaz time, it is better for him to wait, and if his excuse is not removed by then, he should offer prayers with jabira Wudhu or jabira Ghusl. And if, however, he prayed in the prime time, and his excuse was removed before the end of namaz time, the recommen ded precaution is he should do Wudhu or Ghusl, and repeat the prayers.

348. If a person has to keep his eye lashes stuck together because of some eye disease, he should perform *tayammum*.

349. If a person cannot decide whether he should perform tayammum or jabira Wudhu, the obligatory precaution is that he should perform both.

350. * The prayers offered with jabira Wudhu are valid, and that Wudhu can be valid for later prayers also.

Ghusl: Obligatory Baths

There are seven obligatory baths:

- Bath for Janabat
- Bath for Hayz (for women only)
- Bath for Nifas (for women only)
- Bath for Istihaza (for women only)
- Bath for touching a dead body
- Bath for a dead body

- Bath which becomes obligatory on account of a vow or an oath to perform it.

Rules RegardingJanabat

351. * A person enters the state of Janabat in two ways:

- Sexual intercourse
- Discharge of semen, while sleeping or when awake, little or more, with lust or otherwise, voluntarily or involuntarily.

352. When one cannot ascertain whether the fluid emitted from one's body is semen, urine or something else, it will be treated as semen if it is thrown out with lust and if the body is slackened. If all or some of these signs are not present the fluid will not be treated as semen. In the case of illness, the fluid may not come out with sudden swiftness and the body may not slacken; but if the emission takes place with lust, it will be treated as semen.

353. If a fluid emitted by a healthy person possesses one of the aforesaid three signs and he does not know whether or not it also possessed other signs, and if before the emission he was with wudhu he will content himself with that wudhu. And if he was not with wudhu, it would be sufficient for him to perform wudhu only, and Ghusl would not be necessary.

354. It is Mustahab that a person should urinate after the seminal discharge. If he did not urinate and an emission was seen after Ghusl, which could not been determined as semen or something else, it would be treated as semen.

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355. If a person has sexual intercourse with a woman and the male organ enters either of the private parts of the woman up to the point of circumcision or more, both of them enter Janabat, regardless of whether they are adults or minors and whether ejaculation takes place or not.

356. If a person doubts whether or not his penis penetrated up to the point of circumcision, Ghusl will not become obligatory on him.

357. If (God forbid!) a person has sexual intercourse with an animal and ejaculates, Ghusl alone will be sufficient for him, and if he does not ejaculate and he was with wudhu at the time of committing the unnatural act even then Ghusl will be sufficient for him. However, if he was not with wudhu at that time, the obligatory precaution is that he should do Ghusl and also perform wudhu. And the same orders apply if one commits sodomy.

358. If movement of seminal fluid is felt but not emitted, or if a person doubts whether or not semen has been ejaculated, Ghusl will not be obligatory upon him.

359. A person who is unable to do Ghusl, but can perform *tayammum* is allowed to have sexual intercourse with his wife even after the time for daily prayers has set in.

360. If a person observes semen on his dress and knows that it is his own, and he has not done Ghusl on that account, he should do Ghusl, and repeat as Qadha all those prayers about which he is certain that he offered them after the discharge of semen. However, it is not necessary for him to repeat those prayers about which there is a probability that he might have offered them before the discharge of semen.

Forbidden Acts for those in Janabat

361. * The following five things are Haraam for *junub*:

- To touch with any part of one's body the script of the holy Qur'an or the Name of Almighty Allah in whichever language it may be. And it is better that the names of the holy Prophet and Imams and Hazrat Fatima Zahra (peace be upon them) should also not be touched in that condition.

- Entering Masjidul Haraam or Masjidun Nabi, even though it may be only passing from one gate and going out of another.
- To stay or halt in all other Masjids, and similarly, on the basis of obligator precaution, to stay in the shrines of the holy Imams. However, there is no harm if one crosses or traverses through a mosque, entering from one gate and exiting from another.
- To enter a mosque with an intention of lifting away something or placing something in it.
- To recite those verses of the holy Qur'an on the recitation of which performance of Sajdah becomes obligatory. These verses occur in four surahs of the holy Qur'an:

- Surah Alif Lam Mim as-Sajdah, 32:15
- Surah Ha Mim Sajdah, 41:38
- Surah an-Najm, 53:62
- Surah al 'Alaq, 96:19

Things which are Makrooh for Junub 362. * The following nine things are Makrooh for junub:

- To eat
- To drink

But if the junub washes his or her face, hands and mouth, then eating or drinking in that state will not be Makrooh. And if he or she washes the hands only, then unworthiness of the acts is reduced.

- To recite more than seven verses of the holy Qur'an other than those in which obligatory Sajdah occur.
- To touch the cover, the margin or border of the holy Qur'an or the space between its lines, with any part of one's body.
- To keep the holy Qur'an with oneself.
- To sleep. But its would not be Makrooh to sleep if the person concerned performs wudhu or performs *tayammum* instead of Ghusl on account of non-availability of water.
- To dye one's hair with henna etc
- To apply oil on one's body.

- To have sexual intercourse after Ihtelam (i.e. discharge of semen during sleep).

Ghusl for Janabat

363. * Ghusl for Janabat is obligatory for offering the daily prayers and other similar acts of worship. However, it is not obligatory for Namaz-e-Mayyit or for sajdatus sahv (prostrating on account of oversight) or sajdatush shukr' (prostration for thanksgiving) or for the obligatory Sajdah upon reciting the four particular verses of the holy Qur'an. (Rule no. 361)

364. * At the time of doing ghusl, it is not necessary to have in mind that one is performing an obligatory Ghusl. It is sufficient if one performs the Ghusl with the intention of *Qurbat*, i.e. complying with Allah's orders.

365. If a person who performs Ghusl with the *niyyat* of Wajib after having ascertained that the time of Namaz had set in, comes to know after performing the bath that it was performed before the time for prayers had set in, the bath would be correct and valid.

366. * There are two methods of performing Ghusls, both Wajib and Mustahab.

Tartibi (Sequential)
Irtimasi (By submerging the whole body).

Tartibi
367. * In this method, a person should first make a *niyyat* for Ghusl. Thereafter one should first wash one's head and neck, and thereafter the remaining parts of one's body. It is better that one washes the right part of the body first and then the left part.

And if a person, while standing under the water, jerks each of these parts on one's body with an intention of performing Tartibi Ghusl, it will not be sufficient and the precaution is that one should not content oneself with it.

And if a person washes the body before washing the head, either intentionally, or on account of forgetfulness or because of not knowing the rule, Ghusl is void.

368. * If a person washed the body before the head it will not be necessary to repeat the bath. What one has to do is to wash the body again and Ghusl will then be correct.

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369. In order to ensure that both the parts (head, neck and remaining parts of the body) have been washed thoroughly one should, while washing a part, also include some portion of the other part with it.

370. After the Ghusl, if a person realises that certain parts of the body have been left out, not knowing which, it will not be necessary to wash the head again. One will wash only those parts of one's body which one feels had not been washed.

371. If one realises after Ghusl that one has not washed a certain part of the body it is sufficient to wash only that part if it is the left side. However, if that part is the right side then the recommended precaution is that after washing that part of the body one should wash the left side again. And if the unwashed part is that of head and neck one should, after washing that part, wash the body once again.

372. * If a person doubts before completing Ghusl whether one has washed a part on the left or right side it will be necessary to wash that part and if one doubts about having washed a part of the head and neck then, as an obligatory precaution, one would wash that part and then wash the right and the left side of the body again.

Irtimasi

373. * Ghusl by way of Irtimasi is either carried out instantly or gradually. If the Ghusl of Irtimasi is to be done at one instance, then water must reach all parts of the body at one time. However, it is not necessary that the whole body be submerged in water from the very beginning of Ghusl. If a part of the body is outside, andis later submerged with the *niyyat* of Ghusl, it will be deemed in order.

374. If one wishes to perform Irtimasi Ghusl gradually, then it is necessary that the whole body is out of water before Ghusl commences. Then one would submerge one's body gradually in water with the intention of Ghusl.

375. If after performing Ghusl Irtimasi it becomes known that water has not reached some part of the body one should repeat the Ghusl, whether the

part up to which water has not reached is determined or not.

376. If one does not have sufficient time for Tartibi, one should perform Ghusl by way of Irtimasi.

377. * A person who has put on *Ihram* for Hajj and Umrah is not allowed to perform Ghusl by way of Irtimasi. However, if one performs it forgetfully the Ghusl will be valid.

Rules About Ghusl

378. It is not necessary that the entire body of a person should be *Pak* before Irtimasi and Tartibi Ghusl. So, if the body becomes *Pak* while diving in water or pouring water over one's body with the intention of the Ghusl, the Ghusl will be in order.

379. If a person who entered the state of Janabat due to an unlawful act takes a bath with warm water, the Ghusl will be valid even though one may perspire at that time.

But the recommended precaution is that such a person should do Ghusl with cold water.

380. While doing Ghusl, if a part of the body, however small, remains unwashed the Ghusl is invalid. But, it is not obligatory to wash the inside of the ear or nose and other places which are reckoned to be the interior of the body.

381. * If a person doubts whether a particular part of the body is to be treated as external or internal, it should be washed.

382. If the hole pierced for an earring and other similar objects is so wide that it is reckoned to be external, then it should be washed; otherwise it is not necessary to wash it.

383. All things which prevent water from reaching the body should be removed. If a person does Ghusl before ensuring that such obstacles have been removed, the Ghusl will be void.

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384. At the time of Ghusl, if one doubts whether there is something on one's body which would prevent water from reaching the body, one should investigate and satisfy oneself that the obstacle is not there.

385. While doing Ghusl, one should wash the short hair which are taken as a part of the body. Washing of the long hair is not obligatory. However, if one makes water reach the skin in such a way that those long hair do not become wet, the Ghusl is in order. However, if it is not possible to make water reach the skin without washing those hair one should wash them so that water may reach the body.

386. All the conditions for the validity of Wudhu (e.g. the water being pure and not having been usurped) also apply to the validity of Ghusl. However, for Ghusl it is not necessary that the body be washed downwards from the head. Moreover, it is not necessary in Tartibi Ghusl to wash the body immediately after washing the head and the neck. There is no harm, therefore, if there is a lapse of some time after washing one'shead and neck before washing one's body. It is not necessary that one should wash one'shead, neck and body in one instance. However, if a person is incontinent, unable to retain urine or faeces except for such time that he could be able to offer prayers after Ghusl then he should do Ghusl at once and offer his prayers immediately thereafter.

387. If a person uses a public bath with an intention of deferring payment to its owner, without a prior consent of the owner, the Ghusl will be void even if the owner is later made to agree to the arrangement.

388. If the owner of the public bath is agreeable to the Ghusl being done on credit basis, but the person doing Ghusl intends not to pay the charges to him or to pay him from the money acquired illegally, the Ghusl will be void.

389. If a person pays to the owner of the public bath from the funds whose *Khums* (1/5 of the yearly profit see rule no. 1760) has not been paid, then such a person commits a sinful act, but the Ghusl will be valid, though the liability for *khums* remains.

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390. If a person hires a public bath for Ghusl, but before commencing Ghusl, he or she carries out an extra function of making the anal part *Pak* with the same water of the public bath, and if it becomes doubtful whether the owner would agree to the Ghusl being taken, then the owner's consent must be sought before the Ghusl. Otherwise, the Ghusl will be void.

391. * When a person is in doubt whether he or she has done Ghusl or not, such a person must do Ghusl. However, if doubt arises in the mind after Ghusl as to whether Ghusl was correct or not, then there is no need to do Ghusl again.

392. * If one urinates or passes wind (or does any act which would invalidate the Wudhu) while doing the Ghusl, one does not have to abandon the Ghusl and start all over again. In fact, one can continue with the same Ghusl till completion. However, in this situation, one will have to do Wudhu also, as per obligatory precaution.

393. * A person who has very little time at his disposal before *Qadha*, should perform *tayammum* instead of Ghusl. Yet, if such a person does Ghusl under the impression that there is sufficient time for Ghusl and offering prayers, the Ghusl will be valid, provided that it was done with the intention of complying with the orders of Allah, even if the Ghusl was done with a view to offering the prayers.

394. * If a person after being *Junub* doubts whether or not he or she did Ghusl, the prayers already offered during that period would be deemed valid. But for the later prayers, such a person should do the Ghusl. If any such act which would invalidate *Wudhu* is committed, like urinating or passing the wind, after the prayers, then it will be necessary to do Wudhu, and as an obligatory precaution, to repeat the prayers he had offered, if time permits.

395. A person who has more than one Ghusl to do can do one Ghusl with the *niyyat* of the rest. In fact, one Ghusl with its *niyyat* is enough to represent all others.

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396. If a verse of the holy Qur'an or Name of the Almighty Allah is written or tattooed on the body of a person then such a person while doing *Wudhu* or Ghusl, will be required to pour water on that part without touching the writing.

397. A person who does Ghusl of Janabat should not do Wudhu for the prayers. In fact one can offer prayers without performing Wudhu after all Wajib Ghusls (except

the bath for medium istihaza) as well as after Mustahab Ghusls (see rule no. 651). In the case of Mustahab Ghusls, however, it is better to do Wudhu as a recommended precaution.

Kinds of Blood Seen by Women

Istihaza

One type of blood which is seen by women is called *istihaza* and a woman in that state is called *mustahaza.*

398. *Istihaza* is usually yellowish and cold and is emitted without gush or irritation and is also not thick. It is, however, possible that at times the colour of the blood may be red or dark, and it may also be warm and thick and may be issued with gush and irritation.

399. There are three kinds of *istihaza* viz. slight (*Qalila*), medium (*Mutawaassita*) and excessive (*Kathira*). Explanation is given below:
I. Little Blood (Qalila)
If the blood remains on the surface of the wool or pad etc., (placed by a woman on her private part) but does not penetrate into it, the istihaza is called *qalila*.

II. Medium Blood (Mutawassita)
If the blood penetrates into the cotton (or pad etc.), even partially, but does not soak the cloth tied on the outer side, the *istihaza* is called *mutawassita.*

III. Excessive Blood (Kathira)
If the blood penetrates through the cotton, soaking it and the cloth (etc.) around it, the *istihaza* is called *kathira.*

Rules of Istihaza

400. * In the case of little *istihaza* a woman should perform separate *Wudhu* every prayer and should, as a recommended precaution, wash or change the pad. And if some blood is found on the outer part of her private parts she should make it *Pak* with water.

401. * In the case of *Mutawassita,* is an obligatory precaution for a woman to make one Ghusl everyday for her daily prayers, and she should

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act accordingly to the rules of little Istihaza as explained in the foregoing rule. If the state of *Istihaza*an before or just at the time of Fajr prayers, she should do Ghusl before offering Fajr prayers. If she does not do Ghusl intentionally or forgetfully, she should do Ghusl before Zuhr and Asr prayers. And if she misses even that, then she should do Ghusl before praying Maghrib and Isha. This she would do regardless of whether bleeding continues or stops.

402. * In the case of excessive bleeding the woman should change, as an obligatory

precaution, the cotton or pad tied to her private parts or make it *Pak* with water. It is also necessary that she should do one Ghusl for Fajr prayers, one for Zuhr and Asr prayers and once again for Maghrib and Isha prayers. She should offer Asr prayers immediately after Zuhr prayers and if she allowed any lapse of time between them, she should do Ghusl again for Asr prayers. Similarly if she keeps any time gap between Maghrib and Isha prayers, she should do Ghusl again for Isha prayers.

All these rules apply when bleeding is so excessive that it continues soiling the pad etc. But if it takes longer to soil the cotton or pad, and a woman has enough time to pray one or more Namaz in between, then, as per obligatory precaution, she would change the pad or wash it to make *Pak* and then do Ghusl only when the cloth covering the pad or cotton is fully soaked.

For example, if a woman praying Namaz of Zuhr finds out that the cloth is fully soaked again before the prayers of Asr, she would do Ghusl for Asr prayers.

And if she finds that the flow of blood is slow enough to allow two or more prayers to be offered before the cotton or cloth is totally soiled with blood, there will be no need for Ghusl before the ensuing prayer. For example, if she finds that there is enough time to offer even Maghrib and Isha prayers, before the cloth is fully soaked, she would pray Maghrib and Isha without Ghusl.
In every case, the Ghusl in excessive *Istihaza*does not require *Wudhu*after it.

403. If *istihaza* blood is seen before the time for prayers has set in, and the woman has not performed *Wudhu* or Ghusl for that bleeding, she should perform *Wudhu* or Ghusl at the time of prayers, even though she may not be *mustahaza* at that time.

404. * A woman whose *Istihaza* is medium should first do Ghusl and then

Wudhu, as per obligatory precaution. But if a woman with excessive *Istihaza* wishes to do *Wudhu*, she should do so before the Ghusl.

405. When a woman who had little *Istihaza* finds out after Fajr prayers that her *Istihaza* has developed into medium one, she will have to do Ghusl for Zuhr and Asr prayers. And if that change occurs after Zuhr, Asr prayers, then she will do a Ghusl for Maghrib and Isha prayers.

406. * If a woman finds out after Fajr prayers that her little or medium *Istihaza* had developed into an excessive one, and remained in that state, then she should follow the directives given in rule no. 402 in respect of Zuhr, Asr, Maghrib and Isha prayers.

407. * As explained in rule 402, a woman in excessive *Istihaza* must ensure that there is no time gap between Ghusl and the prayers. Therefore, if such a gap occurs because of doing Ghusl earlier, then that Ghusl will be void, and the woman will have to do Ghusl again. This rule applies to those also who are in medium *Istihaza.*

408. * Apart from the rules pertaining to the daily prayers which have been explained earlier, a woman in little and medium *Istihaza* must do *Wudhu* for all other prayers,

Wajib or Mustahab. But if she desires to repeat, as a precautionary measure, the daily prayers which she has already offered or if she wishes to offer once again with congregation the prayers which she had offered individually, she should perform all the acts which have been mentioned with regard to *Istihaza*. In the case of Namaz of *Ihtiyat*, "forgotten sajdahs", "forgotten tashahud" which are performed immediately after the prayers it is not necessary for her to follow the rules of *Istihaza*. Similarly, no rules of *Istihaza* will apply for performing Sajda-e-Sahv at any time.

409. After the bleeding of a *mustahaza* woman has stopped, she should follow the rules of *Istihaza* only for the first subsequent prayers which she may offer. For further prayers which follow, the rules of *Istihaza* would not be necessary.

410. * If a woman does not know what kind of *Istihaza* she has, she should insert into herself some cotton and wait a while to ascertain. And

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when she knows which kind of *Istihaza* it is she would follow the rules prescribed. And, if she is sure that the type of *Istihaza* will not change by the time she stands for her prayers she may carry out the test before the time for prayers sets in.

411. If a *mustahaza* woman starts her prayers without making any investigation, but her intention is to obey the orders of Allah and act according to her duty then her prayers are valid. For example, if her *Istihaza* was little, and she acted according to its rules, her prayers will be correct and valid. But if she did not have the intention of obeying Allah or following the rules, her prayers would be invalid. For example, she followed the rules of little *Istihaza* while in actual fact she was in the medium one, her prayers would be invalid.

412. If a *mustahaza* woman cannot discern about her *Istihaza* she should act according to the minimum certitude. For example, if she does not know whether her *Istihaza* is little or medium she should follow the rules which are prescribed for little *Istihaza.* And if she does not know whether her *Istihaza* is medium or excessive she should perform the rules prescribed for the medium *Istihaza*. But, if she knows which of the three kinds of *Istihaza* she has had previously, then she should act according to the rules for that kind of *Istihaza*.

413. If at the time of its initial appearance the blood of *Istihaza* remains within the interior of the body and does not come out, it does not nullify the Wudhu and Ghusl already performed by the woman. And if it comes out, it nullifies the Wudhu and Ghusl even if its quantity be very small.

414. * If a *mustahaza* woman examines herself after Namaz and finds no blood, she can say other prayers with the same Wudhu, even if she knows that the blood would reappear.

415. * If a *mustahaza* woman knows that since the time she has engaged herself with Wudhu or Ghusl blood has not come out of her body, she can defer offering prayers for as long as she knows she will remain in that pure state.

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416. * If a *mustahaza* woman knows that before the time for prayers comes to an end, she will become totally *Pak*, or if she knows that at certain time, bleeding would stop for the time required for offering prayers she should wait and offer prayers when she is *Pak*.

417. * If a Mustahaza, after having done Wudhu and Ghusl, finds that the bleeding has ceased, and she feels that if she delays the prayers she will become fully *Pak*, within the time required for Wudhu, Ghusl and Namaz, she should delay the prayers, and offer them after performing fresh Wudhu and Ghusl when she has become fully *Pak*. But if time for prayers is limited, it will not be necessary for her to perform Wudhu and Ghusl. She should offer prayers with the Wudhu and Ghusl which she already has.

418. * When a *mustahaza* woman whose bleeding has been excessive becomes fully *Pak*, she should do Ghusl. However, if she knows that no blood was seen after having Ghusl for the previous prayers, it is not necessary for her to do Ghusl again. As for medium *Istihaza,* it is not necessary to do Ghusl after bleeding has stopped.

419. * *Mustahaza* women, with little, medium or excessive bleeding, should commence their prayers immediately after having acted according to their respective rules, except in the situations described in rules 403 and 415. But to recite Adhan and Iqamah before Namaz or performing Mustahab acts like Qunut etc, will have no objection.

420. * If a *mustahaza* woman who is required to allow no time gap between Wudhu or Ghusl and her prayers, does not act accordingly, she would make Wudhu or do Ghusl again and then pray without any delay.

421. * If the blood of *Istihaza* has a swift flow and does not stop, and if stoppage of blood is not harmful to her, she should try to prevent the blood from coming out after Ghusl. And if she ignores doing so, and the blood comes out, she should offer prayers all over again if she had already prayed. Moreover, it is a recommended precaution that she repeats the Ghusl.

422. * If blood does not stop at the time of Ghusl the bath is in order. But, if during the Ghusl the medium *Istihaza* becomes excessive it will be necessary for her to start Ghusl all over again.

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423. For a *Mustahaza* woman who is fasting, it is a recommended precaution that she prevents the blood from issuing out of the body, throughout the day, as far as possible.

424. * It is widely held that the fast of a woman whose *Istihaza* is excessive will be valid only if in the night preceding the day on which she intends to fast she does Ghusl for the prayers of Maghrib and Isha, and also does Ghusl during day time which are obligatory for the daily prayers. But most likely, the validity of her fasting does not depend on the Ghusl. Similarly, the validity of a woman fasting during

medium *Istihaza* does not depend on the Ghusl.

425. * If a woman becomes *mustahaza* after Asr prayers and does not do Ghusl till sunset her fast will undoubtedly be in order.

426. If a woman in little Isithaza finds out before starting the prayers that her bleeding has become excessive or medium, she should perform the rules prescribed for medium or excessive *Istihaza* as mentioned above. And if the medium *Istihaza* becomes excessive she should follow the rules prescribed for excessive *Istihaza.* And in case she has done Ghusl for medium *Istihaza* it would not suffice, and she should do Ghusl again for excessive *Istihaza*.

427. * If the medium *Istihaza* becomes excessive while she is already in Namaz, she should break the prayers and do Ghusl for excessive *Istihaza* and also perform other relevant acts and repeat the same prayers. And on the basis of recommended precaution she should perform Wudhu before Ghusl. And if she does not have time for Ghusl it is necessary that she should perform *tayammum* instead of Ghusl. And if she finds that no time is left even for *tayammum* then she should, on the basis of precaution, not break the prayers and complete the same in that very condition. It will be necessary for her to offer *Qadha* later. Similar rules will apply if during the Namaz her little *Istihaza* becomes medium or excessive, she will have to discontinue her Namaz and follow the rules of medium or excessive *Istihaza,* whichever be applicable.

428. * If the blood stops during Namaz and the *mustahaza*. woman does

not know whether or not it has also stopped internally, and if after her prayers she understands that bleeding had totally stopped, and she has sufficient time at her disposal to offer prayers again in the state of purity, it will be an obligatory precaution for her to act according to the rules applicable to her and pray again.

429. * If the excessive *Istihaza* reduces to medium *Istihaza,* the *Mustahaza* should perform the rules prescribed for excessive *Istihaza* for the first prayers and then medium *Istihaza* for the later prayers. For example, if excessive *Istihaza* becomes medium before Zuhr prayers she should perform Wudhu and do Ghusl for Zuhr prayers; and for the Asr, Maghrib and Isha prayers she should perform only Wudhu. However, if she does not do Ghusl for Zuhr prayers and has time for Asr prayers only she should do Ghusl for Asr prayers. And if she does not do Ghusl for even Asr prayers she should do Ghusl for Maghrib prayers. And if she does not do Ghusl for that prayers as well and has just enough time for Isha prayers only, she should do Ghusl for Isha prayers.

430. * If the excessive *Istihaza* stops before every Namaz and starts coming again she should do Ghusl before each Namaz.

431. If the excessive *Istihaza* reduces to little, the *mustahaza* should follow for the first prayers the rules prescribed for excessive *Istihaza;* and for the later prayers the rules prescribed for little *Istihaza.* Similarly, if the medium *Istihaza* becomes little she

should follow rules prescribed for medium *Istihaza* for the first prayers and those prescribed for little *Istihaza* for the later prayers.

432. If a *mustahaza* woman neglects any one of the obligatory rules, her Namaz will be void.

433. * If a woman who is in little or medium *Istihaza* wishes to engage in an act which requires Wudhu as a prerequisite, like touching the script of the Quran etc., she should make the Wudhu for the purpose. The Wudhu made specifically for Namaz would not be sufficient if she wishes to touch after the Namaz is over.

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434. A *mustahaza* who has done her obligatory Ghusls can go into Masjid, pause for some time in it, and recite the verses of the Qur'an which contain obligatory Sajdah. It is also lawful for her husband to have sexual intercourse with her, though she may not have performed all the acts which are required before the prayers (e.g. changing the cotton and the pad). And it is not unlikely that these acts may be permissible even without Ghusl, but precaution is in avoiding them.

435. If a woman who is in the state of excessive or medium *Istihaza* wishes to recite, before the time of prayers, a verse of the Qur'an which contains an obligatory Sajdah or to enter a Masjid, she should, on the basis of recommended precaution, do Ghusl. And the same rule applies if her husband wishes to have sexual intercourse with her.

436. * Salatul Ayat (due to solar or lunar eclipse etc.) is obligatory for a *mustahaza* woman and she should follow all the rules which have been explained in relation with the daily prayers.

437. * When Namaz-e-Ayat becomes obligatory for a *mustahaza* woman at the time of daily prayers and she wishes to offer these two prayers one after the other she cannot, as per obligatory precaution, offer both of them with one Wudhu and one Ghusl.

438. * If a *mustahaza* woman wishes to offer Qadha prayers she should follow the same rules as are applicable to the prayers offered within time. And as a precaution, she will not consider the acts performed for prayers within time as sufficient for Qadha prayers.

439. * If a woman knows that the blood coming out of her body is not of a wound and cannot decide on it being the blood of *hayz or* nifas because of the absence of the properties defined by the Shariah, she should act according to the rules in respect of *Istihaza.* And if she doubts whether it is *Istihaza* or some other blood and it does not possess other signs she should, on the basis of obligatory precaution, follow the rules of *Istihaza*.

Hayz

Menstrual discharge (Hayz) is a kind of blood which is normally discharged every

month from the womb of women for a few days. When menses is discharged the woman is called *Haaez'.*

440. Menses is usually thick and warm and its colour is either black or red. It is discharged with a pressure and a little irritation.

441. * The blood seen by women after the age of 60 years is not classified as *Hayz*. And as per recommended precaution, women who are not from the clan of Quraish, if they see blood between the age of 50 and 60 years, having the same signs as those of *Hayz*, they should combine the 'dos' of *mustahaza* and 'don'ts' of *Haaez.*

442. * Blood seen by a girl who has not yet completed 9 years of her age will not be classified as *Hayz*.

443. It is quite possible for a pregnant woman or a breast feeding mother to see Hayz and the rules which apply to a non-pregnant woman also apply to a pregnant one, except that if a woman who has conceived sees blood with the usual signs of Hayz 20 days after the commencement of her habitual period then it is necessary for her, on the basis of precaution, to refrain from the acts which are forbidden to a *Haaez* and to perform the obligations of a mustahaza.

444. * If a girl does not know whether she has completed nine years of age or not and if she sees blood which does not bear any sign of Hayz, then that blood is definitely not Hayz. And if it has some semblance of Hayz, even then it is difficult to classify it as Hayz, unless one is absolutely sure. This absolute certitude will determine that she has completed her nine years.

445. * If a woman who is doubtful as to whether or not, she has completed 60 years of age, sees blood which she cannot decide whether it is of *Hayz* or not she should decide that she has not completed 60 years.

446. The period of *Hayz* is not less than 3 days and not more than 10 days

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and if the period during which blood is discharged falls short of 3 days even by a small measure of time, that blood will not be considered as *Hayz*.

447. The blood of Hayz flows continuously for the first 3 days. Therefore, if blood is seen for 2 days and then interrupted for 1 day and then seen again for 1 day, it will not be Hayz.

448. In the initial stage, it is necessary that blood flows out, but it is not necessary to be seen flowing out during all the three days. It is sufficient for the blood to be internally present. So, if a woman is clean for a brief period during the first 3 days (as is common among all or some women) even then the blood discharged will be *Hayz*.

449. It is not necessary that a woman should have bleeding on the 1st and the 4th night, but it is essential that bleeding should not discontinue on the 2nd and the 3rd night. For example, if bleeding commences on the morning of the 1st day and

continues till sunset on the 3rd day, it would be considered as Hayz. Similarly, if blood is seen from the middle of the 1st day and stops at the same time on the 4th day the same will apply.

450. * If a woman sees blood continuously for three days, and then it stops for a brief period before it is seen again, and if the total number of days in which blood was seen and in which it stopped does not exceed ten, then the days in which blood flowed will be counted as of *Hayz*, and the in between period of respite will be of obligatory precaution, during which she will do all that she should do when she is , and also refrain from all those acts which are forbidden to the *Haaezs*,.

451. If blood is seen for more than three days and less than ten days and she does not know whether the blood is of a sore or a wound or of Hayz, she should not treat it as *Hayz*.

452. If a woman sees blood about which she is unable to discern as to whether it is the blood of wound or of *Hayz*, she should continue to perform her acts of worship, except when her preceding condition was that of *Hayz*.

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453. If a woman doubts whether the blood she has seen is of *Hayz* or *Istihaza*, she should treat it to be *Hayz* if it bears the properties of *Hay*z.

454. If a woman is unable to decide whether the blood she has seen is of *Hayz* or of virginity, she should examine herself i.e. she should insert cotton in herself and wait for some time. If she finds that only its sides have been stained with blood then it is virginal blood, and if the blood has soaked the entire piece of cotton then it is *Hayz*.

455. * If blood is seen for less than 3 days and then stops and starts again for 3 days the second blood will be *Hayz* but the first blood will not be considered as *Hayz* even if it was seen during the days of habit.

Rules for the Haaez
456. *. Acts which are Haraam for a woman who is in the state of **Hayz:-**
- Prayers and other similar acts of worship for which Wudhu or tayammum or Ghusl is necessary. However, there is no harm in her performing those acts of worship for which Wudhu, tayammum or Ghusl are not obligatory (e.g. Namaz-e-Mayyit).
- All those acts which are forbidden to a junub (see rule no. 361).
- Having sexual intercourse; it is Haraam for man as well as for woman even if only the penis glans may penetrate, and even if semen may not be discharged. In fact, the obligatory precaution is that the male should refrain from insertion even to an extent lesser than the point of circumcision. Anal intercourse with the wife is forbidden regardless of whether she is in *Hayz* or not.

457. Sexual intercourse is Haraam also when a woman may not be very certain of being in the state of *Hayz*, but Shariah guides her to treat herself as such. So, when a woman sees blood for more than ten days, and, as will be explained later, she has to resort to the habit of her relatives for determining the period of *Hayz*, her husband will not be permitted to have sexual relations with her during those days.

458. * If a man has sexual intercourse with his wife when she is a *Haaez*, he should seek Divine forgiveness and the recommended precaution is that he should expiate by giving Kaffara. Rules regarding Kaffara will be mentioned later.

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459. With the exception of actual sexual intercourse with a *Haaez* woman, there is no harm in all other forms of courting, wooing and kissing etc.

460. Kaffara for sexual intercourse with a *Haaez* is gold coins weighing 3.457 grams if carried out in the early days, 1.729 grams for the middle days and 0.865 grams for the final days of the period of *Hayz*. For example, if *Hayz* lasts for 6 days and her husband has sexual intercourse with her during the 1st and 2nd days or nights, he should pay gold weighing 3.457 grams, and during the 3rd and 4th days and nights he should pay gold weighing 1.729 grams and for the 5th and 6th days and nights he should pay gold weighing 0.865 grams.

461. If it is not possible to pay in gold coins, he should pay its equivalent value. And if the price of gold has undergone a change at the time he wishes to pay the Kaffara to the poor, as compared with the time when he had sexual intercourse, he should pay at the prevailing rate.

462. If a man has sexual intercourse with his wife in the first, second and third stage of *Hayz* he should give Kaffara for all the three, totalling 6.051 grams.

463. If a man has had repeated sexual intercourse with a Haeez woman he should pay Kaffara for each time.

464. If a man realises during the course of sexual intercourse that the woman has become *Haaez*, he should withdraw from her immediately, and if he does not do so the recommended precaution is that he should pay Kaffara.

465. If a man commits fornication with a *Haaez* woman or has sexual intercourse with a *Haaez* woman who is not his 'mahram' under the impression that she is his wife, the recommended precaution in this case, too, is that he should pay Kaffara.

466. If a man has sexual intercourse with a *Haaez* woman on account of ignorance or because of having forgotten the rule, he need not pay Kaffara.

467. If a man has sexual intercourse with a woman with the belief that she

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is *Haaez*, but it transpires later that she was not *Haaez*, he need not pay Kaffara.

468. As will be explained in the rule relating to divorce, if a woman is divorced while she is in the state of *Hayz*, the divorce is void.

469. * If a woman says that she is *Haaez*, or claims to have become from *Hayz*, her statement should be accepted, provided that she is not known to be unreliable.

470. If a woman becomes *Haaez* while she is in Namaz, her Namaz will become void.

471. If a woman has doubt while offering prayers whether or not she has become *Haaez*, her prayer is in order. However, if she realises after offering prayers that she had actually become *Haaez* during the prayers, her prayers will be void.

472. After a woman becomes from *Hayz* it is obligatory for her to take bath for the prayers and other acts of worship which require Wudhu or Ghusl or *tayammum*. The rules for this Ghusl are the same as for the Ghusl of Janabat. And it is better that before Ghusl she should perform Wudhu.

473. * After a woman has become from *Hayz*, and before having done Ghusl the divorce given to her will be in order, and her husband can also have sexual intercourse with her. Though it is better to have sexual intercourse after the woman has washed herself. However, the recommended precaution is that the man should avoid having sexual intercourse with her before she has done Ghusl. However, until she has had Ghusl, other acts like staying in a Masjid and touching the writing of the Qur'an which were Haraam for her at the time of *Hayz* do not become Halal for her.

474. * If the woman does not have sufficient water for Wudhu and Ghusl, and if it is just enough for Ghusl only, she should do Ghusl, and it is better that she should perform *tayammum* in place of Wudhu. And if the water is sufficient for performing Wudhu only, she should perform Wudhu and perform *tayammum* instead of Ghusl. And if she does not have water for either

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of them (i.e. for Ghusl or Wudhu) she should perform *tayammum* for Ghusl only. It is recommended that she does one more *tayammum* instead of Wudhu also.

475. * There is no *Qadha* for the Namaz which she left during her *Hayz*, but she should give Qadha for the obligatory fasts missed by her due to *Hayz*. This includes even those fasts which had been Wajib upon her on the fixed days because of *Nadhr*, but she could not keep because of *Hayz*.

476. * If the time for prayers sets in and a woman knows, or considers it probable, that if she delays offering prayers she will become *Haaez*, she should offer prayers immediately.

477. * If a woman delays offering prayers on exact time, allowing a lapse equal to the time required for offering one Namaz together with Wudhu or *tayammum*, and then she becomes *Haaez*, she will have to give Qadha for that Namaz. And in calculating the time, the extraneous things like praying quickly or slowly and other matters have to be considered individually. For example, if a woman who is not a traveller delays her Namaz of Zuhr, the Qadha will be obligatory for her if time eqhual to performing four rak'ats of prayers along with Wudhu or *tayammum* passes away from the exact time of Zuhr and then she becomes *Haaez.* And for one who is a traveller the passage of time equal to performing two rak'ats along with Wudhu or *tayammum* is sufficient.

478. If a woman is *Pak* from *Hayz* when the time for prayers is nearing its end, and has at her disposal time which suffices for Ghusl and performing one rak'at or more, she should offer the prayers and if she fails to do so she should offer its Qadha.

479. * If a *Haaez* finds that she does not have sufficient time for Ghusl, but she can offer prayers within the prescribed time after performing *tayammum*, the obligatory precaution is that she should offer that prayer with *tayammum*, and even if she did not offer that prayer it will be obligatory for her to offer its Qadha. Again, if *tayammum* is incumbent upon her due to other reasons, like, if water is harmful for her, she should perform *tayam-*

mum and offer that prayer, and if she does not offer it, she will have to give its Qadha.

480. If after becoming*Pak* from *Hayz*, a woman doubts whether or not she has time left for the prayers, she should offer the prayers.

481. * If after becoming *Pak* from *Hayz* a woman does not offer prayers under the impression that she does not have time to make necessary preparations for prayers and to offer even one rak'at, but understands later that she did have time for the purpose, she should offer Qadha.

482. It is Mustahab for a *Haaez* that when it is time for Namaz, she makes herself *Pak* by washing away blood, and changing the pad. Then she should make Wudhu or *tayammum*, whichever is applicable, and sit at the place meant for prayers facing *Qibla* and busy herself in recital, supplication and salutations (Salawat).

483. It is Makrooh for a *Haaez* to read the holy Qur'an, or keep it with herself, or touch with any part of her body the space between its lines. It is also Makrooh for her to dye her hair with*"henna"* or any other thing like it.

Types of Women in Hayz

484. There are six types:

- Woman having the habit of time and duration: A woman who sees blood in each of the two consecutive months at a particular time and for a fixed number of days. For example, in each month blood may be seen from the 1st up to the 7th of the month.
- Woman having the habit of time: A woman who sees blood in each of the two consecutive months at a particular time but the number of days varies. For example, in two consecutive months her blood starts coming on the 1st of the month but she becomes *Pak* on the 7th day in the first month and on the 8th day in the second month.
- Woman having the habit of duration: A woman who sees blood in each of the two consecutive months for a particular number of days but the time of commencement is not the same. For example, in the first month the blood is seen from the 5th to the 10th of the month and in the second month from the 12th to the 17th of that month.

- **Muztariba:** A woman who has seen blood for a few months but who has not formed a habit or whose former habit has been disturbed and has not formed a new one.
- **Mubtadiya:** A woman who sees blood for the first time.
- **Nasiya:** A woman who has forgotten her habit.

Some Further Details are Given Below About Haaez:

485. * **Women having the habit of time and duration are of two types:**
First, a woman who sees blood in two consecutive months at a particular time for a particular duration. For example, she sees blood on the 1st of each month and becomes *Pak* on the 7th of each month. Her habit of *Hayz* will be from first to seventh of every month.
Second, a woman who sees blood in each of the two consecutive months at a particular time and after 3 or more days she may be *Pak* for one or more days and the blood is seen again; but the total number of days during which the blood is seen as well as those during which she remains *Pak* does not exceed 10 days; and in each month the total number of days during which blood is seen, and the intervening days during which she is *Pak* must be same. In such a case the habit of the woman will be counted according to the days during which blood is seen, not including the intervening days during which she remained *Pak*. It is not, however, necessary that the intervening days during which she remains *Pak* should be identical in each month.For example, if in the 1st month blood is seen for 3 days from the 1st to the 3rd of the month and then she remains *Pak* for 3 days whereas in the 2nd month the blood comes for 3 days and then it stops coming for 3 days and is seen again for 3 days and the total number of days during which the blood is seen is six, then this woman will be classified as having a fixed habit of six days. If the number of days during which blood is seen varies in the second month, then she is one with fixed time but not fixed duration.

486. * If a woman who has a fixed habit of time, irrespective of whether she has a fixed habit of duration or not, sees blood on time or a day or two earlier that blood will be *Hayz* even if it does not bear the signs of *Hayz*. Therefore, she will act according the rules applied to a *Haaez.* And if it transpires that it was not *Hayz*, for example, if she becomes *Pak* before three days, then she should give Qadha for the acts of Ibadaat which she has left out.

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487. * If a woman having the habit of time and duration sees blood during all days of her fixed habit plus a few days before and after, and if the total number of days does not exceed 10, all of it is *Hayz*. And if it exceeds 10 days, then only the blood seen during the days of habit is *Hayz* and the rest will be *Istihaza* , and she should give Qadha of the acts of worship which she did not perform during the days before and after her habit. And if she sees blood on all the days of her habit as well as a few days earlier, and if the total number of the days does not exceed 10, all of it is *Hayz*. And if it exceeds ten days, then blood seen during the days of habit will be *Hayz*, even if it did not have the signs of *Hayz*, and the blood seen earlier will be classified as *Istihaza* even if it had the signs of *Hayz*. She will offer Qadha for the prayers left out during those earlier days. And if she sees blood during her days of fixed habit plus a few

days after her habit, and if the total does not exceed ten days, all of it is *Hayz*. But if it exceeds ten days, then the blood seen during habitual days will be *Hayz*, and the rest is *Istihaza*.

488. * If a woman who has the fixed habit of time and duration, sees blood on some days of her habit and also a few days earlier and if the total number of days does not exceed 10 days, all of it is *Hayz*. And if the number of days exceeds 10 she will add the number of days within her habitual time to the earlier days and complete her fixed duration. Those will be the days of *Hayz*, and the rest will be *Istihaza*.

And if she sees blood during some of her habitual days plus some days later, and if the total number of days does not exceed ten, then all of it will be *Hayz*.

And if the total exceeds ten days then she will add the number of her habitual time to the later days so as to complete her fixed period of duration. These will then be the days of *Hayz*, and the rest will be classified as *Istihaza*.

489. * If a woman has a fixed habit of *Hayz* and if she sees blood for 3 days or more, and then it stops and is thereafter seen again, and the gap between the two discharges is less than 10 days, and if the total number of days in which blood was seen together with the intermediary period in which it stopped exceeds 10 days (e.g. when blood is seen for 5 days and then stops for 5 days and is again seen on the following 5 days) then it has various rules:-

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If the blood, all or part thereof, seen in the initial days was during the days of her habit and the blood seen later in the second phase after her temporary state of being *Pak* did not come during the days of her habit, then she should treat her first blood to be *Hayz* and the second one as *Istihaza*.

- If the blood seen in the initial days is not during the days of her habit but the second blood, all or part therof was seen in the days of her habit, then she should treat the entire second blood to be *Hayz* and the first as *Istihaza*.

If she saw the first and the second blood during the days of her habit, and if the first blood did not last for less than 3 days, then that period along with the intervening days when she was *Pak* will be period of *Hayz*ovided that the total period covered by them does not exceed 10 days. And as per obligatory precaution, she will do all that a *Pak* lady does and refrain from all that a *Haaez* orbidden to do during the intervening period. And some of the blood which she continues to see after the days of her habit will be classified as *Istihaza*.But the blood which she may see a day or two earlier than her habitual time can be *Hayz*, as it customarily occurs in some cases of women with fixed habit. But if she finds that by counting the earlier discharge as *Hayz*, the blood which she saw in the second phase during her habitual period will be counted out of the ten days limit then she will consider the earlier discharge as *Istihaza*. For example, if her habit was to see blood on 3rd to 10th of every month, and during any one month the habit changed and she saw blood from 1st to 6th, and then remained *Pak* for two days. Thereafter, she saw blood again till 15th. The rule will be that the blood seen from 1st to 10th is *Hayz*, and that seen from 11th to 15th is *Istihaza*.

• If she sees the blood in both phases during her habitual days, but blood seen in the initial days is for less than three days, then it is plausible that she may add the days of earlier discharge to complete three days, and treat the period as *Hayz*. Then the second blood which also fell during habitual days will be counted as *Hayz*, provided that the total of the first and second phase, together with the intervening days of pause does not exceed ten days. In certain situations, she has to regard all the blood seen in the initial period as *Hayz*, but there are two conditions for that:-

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(i)The discharge seen earlier than the habitual days must be customarily expected.

(ii)By considering the whole initial period as *Hayz*, blood seen in the second phase of habitual days is not excluded from ten days' maximum. For example, if a woman has a habit of seeing blood from 4th to 10th of every month, and she saw it earlier, say, from 1st to 4th, and then there was a brief period when blood stopped, say, for two days. And again it continued upto 15th. The rule is that all blood seen in the first phase is *Hayz*, and in the second one, blood seen upto the tenth will be *Hayz*. The rest will be *Istihaza*.

490. If a woman with fixed habit of time and duration fails to see blood in her habit, and sees it earlier or later, it will be considered as *Hayz* if it comes for the equal number of days, and bears the signs.

491. * If a woman who has the habit of time and duration sees blood in her habit for three or more days, but for less than her usual number of days and then her blood stops and thereafter is seen again for days equal to the number of days of her habit, she will treat the whole period, including the intervening days, as one *Hayz*, if it does not exceed ten days. But if the number of intervening days during which she is *Pak* from blood is ten days or more, then each period of bleeding will be regarded as a separate period of *Hayz*.And if the intervening gap is less than 10 days, but the total of first, second and intervening period exceeds ten days, then the first phase will be *Hayz*, and the second one *Istihaza*.

492. If a woman who has fixed habit of time and duration sees blood for more than 10 days, the blood which she sees during the days of her habit is *Hayz*, even though it may not have the signs of *Hayz*, and the blood which is seen after the days of her habit is *Istihaza* even though it may have the sign of *Hayz*. For example, if the blood of a woman whose habit is from the 1st to the 7th of the month is seen from the 1st to the 12th of a particular month, the blood which is seen during the first 7 days will be *Hayz* and that which is seen during the remaining 5 days will be *Istihaza*.

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(89)

WOMEN HAVING THE HABIT OF TIME ONLY

Women having the habit of time are of two types:

493. First, a woman who sees blood in each of the two consecutive months on a given day, and then becomes *Pak* after a few days. The duration of blood varies in each month. For example, if the blood is seen on the 1st of each month but stops on the 7th in the first month and on the 8th in the second month, her habit of time will be the

first of every month.
Second, a woman who sees blood in two consecutive months on a given day, for, say 3 or more days and then it stops and thereafter is seen again, but the total number of days does not exceed ten days. However, the number of days during the 2nd month is either more or less than the days in the 1st month. For example, if the blood is seen on the 1st day of each of the two consecutive months but the total duration of days is 8 in the 1st month and 9 in the 2nd month, she should treat the 1st of the month to be her habit of time.

494. * If a woman who has the habit of time but the duration of her *Hayz* is not constant, sees blood on her habitual time or two or three days earlier, she will treat herself as *Haaez*, and act according to the details given in rule no. 486. But if the blood is seen much earlier, so much so that it would not be considered as customary, or if she sees it very late, she will treat herself as *Haaez* if the blood bears the signs of *Hayz*. Similarly, she will consider it as *Hayz* if she is sure that the bleeding will continue for three days, even if the blood bears no semblance of *Hayz*.
And if she is not sure whether this sort of bleeding will last for three days or not, then as per obligatory precaution, she will do all those acts which are wajib for a *Mustahaza,* and refrain from all those acts which are forbidden to *Haaez*.

495. * If a woman with the fixed habit of time sees blood on her habitual time for more than 10 days and if she is unable to determine the exact duration of *Hayz* from its signs, then as a precaution, she will follow the habit of her paternal or maternal relatives, irrespective of whether they are living or dead; provided that:
(i)the state of her relative does not differ sharply from her state. She, as a young and active person, cannot compare with the habit of an old lady,

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or the one nearing menopause.
(ii) She does not compare herself to a woman in her family whose habit is totally different from the habit of the others in the family.
The above rule also applies to a woman of fixed habit of time who fails to see blood on time, and sees it out of the days of her habit for more than 10 days and is unable to discern from the signs.

496. * A woman with fixed habit of time cannot shift her *Hayz* to any period outside her habitual time. Therefore, if her commencing time is fixed on the first of every month, with a varying duration of five or six days, and then suddenly she sees blood for twelve days, and she is unable to recognise the signs to determine the duration of *Hayz*, she will take the first day of the month as the beginning and as for the duration, she will resort to the foregoing rule (495). And if she is aware of her final or middle days of habit, and if the total number of days exceeds ten, she will arrange the duration of *Hayz* in such a manner that her final or middle days fall within the habitual time.

497. * If a woman with a fixed habit of time sees blood for more than ten days, and is unable to determine the nature of blood as explained in rule no. 495, then she will be free to decide upon any number of days which she feels could be her days of *Hayz*. It is recommended that she fixes seven days, and in so doing she must keep in mind her

habit of commencement, as mentioned in the foregoing rules.

WOMEN HAVING THE HABIT OF FIXED DURATION

Women having the habit of duration are of two types:
498. * First, a woman whose duration of *Hayz* in two consecutive months is same but the commencing times differ. In such circumstances her habit of duration will be the number of days during which blood is seen. For example, if blood is seen from the 1st to the 5th of the 1st month and from the 11th to the 15th of the 2nd month her duration habit will be 5 days.
Second, a woman who sees blood in two consecutive months for 3 or more days, and then it stops for a day or two before it starts again, though the time of commencement of blood varies in the 2nd month from that of the 1st, her duration habit will be the number of days during which blood is seen, provided that the total number of the bleeding and *Pak* days does not

exceed ten and that the duration period in both the months remains equal. As a measure of precaution, in the intervening days, she will do all that is obligatory upon a lady who is *Pak*, and also refrain from all those acts which a *Haaez* is forbidden to do. For example, if during the 1st month she sees blood from the 1st to the 3rd day and then it stops for 2 days and then sees again for 3 days, and in the 2nd month she sees it from the 11th to the 13th and then it stops for 2 days and then sees it her duration habit will be six days. And if the duration in two consecutive months is not constant, like, if she sees blood for 8 days in the first month and for 4 days in the next, then a pause, and again bleeding starts making the total 8 days by including the intervening days, then such a woman cannot be classified as woman with fixed duration. She will be *Mudhtariba*, whose rules will be discussed later.

499. * If a woman with the fixed habit of duration sees blood for less or more days than her habitual duration, but the number of those days does not exceed 10 she should treat them as *Hayz*. And if it exceeds 10 days and the nature of blood remains same throughout, then she will calculate her habitual duration from the day bleeding began, and treat it as *Hayz*. But if the nature of blood changes, with some days showing signs of *Hayz* and others showing signs of *Istihaza*, then there can be three possibilities:-
(i)if the number of days in which blood shows signs of *Hayz* tallies with the habitual duration, then she will take those days as of *Hayz*, and the rest as *Istihaza*.
(ii)if the number of days in which blood shows signs of *Hayz* exceeds her habitual duration, then she will take her habitual duration as *Hayz*, and the rest as *Istihaza*.
(iii)if the number of days in which blood shows signs of *Hayz* is less than her habitual duration, she will add some days to complete her duration and take that period as *Hayz*, and treat the rest of the days as of *Istihaza*.

Mudhtaribah
500. * *Mudhtaribah* is a woman who may have seen blood for some months, but did not form a fixed habit, neither of time nor of duration. If such a woman sees blood for more than 10 days, and if the nature of blood remains same, either resembling *Hayz* or *Istihaza*, then she will be classified among those women who, despite fixed habit of

time, see blood in unusual period, and is also unable to distinguish the signs of one from the other.

As a measure of precaution, she will refer to the prevailing habits among her relatives and adopt it. And if that is not possible, she will fix any reasonable number, neither less than 3 days nor more than ten days, as explained in rules nos.495 and 497.

501. * If *Mudhtaribah* sees blood for more than ten days, and if for some days the blood has the signs of *Hayz* and during other days has the signs of *Istihaza*, and if the blood which has the signs of *Hayz* is not less than 3 days nor more than 10 days, then all of it is *Hayz*. The rest will be *Istihaza*.
And if the blood bearing the signs of *Hayz* is for less than 3 days or more than 10 days, she will follow the rule explained in the foregoing clause for the sake of determining the number of days in *Hayz*.
And if after having determined her *Hayz* period, she again sees blood before completing 10 days of being *Pak*, again with the signs of *Hayz*, she will treat this new emission as *Istihaza*.

Mubtadea
502. * *Mubtadea* is a woman who sees blood for the first time. If she sees it for more than ten days and all the blood has common signs then she should refer to the prevailing habit among her relatives and consider her corresponding duration as *Hayz* and the rest as *Istihaza*, keeping in view two provisions in rule no. 495. And if even that seems impossible, then she will be free to fix a certain duration as explained in rule no. 497.

503. * If a *Mubtadea* sees blood for more than ten days, some bearing the signs of *Hayz* and other that of *Istihaza*, and if the blood with the signs of *Hayz* is seen for not less than three and not more than ten days, then all that blood is *Hayz*. But if she sees blood again before the expiry of ten days and even that blood resembles *Hayz*, for example, if dark blood is seen for five days and yellowish blood is seen for nine days, and dark blood is seen again for five days, then she should treat the first blood as *Hayz* and the rest as *Istihaza*, as explained in the case of *Mudhtaribah*.

504. * If a *Mubtadea* sees blood for more than 10 days, some of which bearing signs of *Hayz* and other having signs of *Istihaza*, and if the blood with the signs of *Hayz* is seen for less than 3 days, she will treat it as *Hayz*, and for determining the duration of it she will follow as stated in rule no. 501.

Nasiya
505. * Nasiya is a woman who has forgotten her habit of time and duration, and such women are of various types.
One of them is a woman who had a fixed habit of duration, and has now forgotten it. If she sees blood for three or more days, not exceeding ten, she will treat all of it as *Hayz*.
But if she sees blood for more than ten days, then she is classified as *Mudhtaribah*,

and she will follow rule nos. 500 and 501, with one difference. While determining her duration, she must know that the duration she is fixing is not less than her usual habit, nor can she fix a longer duration than her usual habit.
Similar is the case of a woman who had a fixed duration, but it slightly varied each month, for example, she saw blood for six days, and at times for seven days in a month. Such a woman, if she is unable to decide on the basis of signs, or the habit of her relatives etc. then she should fix her duration within the limits of six and seven days.

Various Rules Related to Hayz

506. * If a *Mubtadea*, a *Mudhtaribah*, a *Nasiya* and a woman with the fixed habit of duration, see blood with the signs of *Hayz*, or are certain that the discharge would last for three days, they must abandon the obligatory prayers. But if they later understand that it was not *Hayz*, they have to give the Qadha of the prayers they did not perform.

507. If a woman has a fixed habit of *Hayz*, either of time or of duration or of both, and if she sees blood for two consecutive months contrary to her usual habit in which she finds that the time, the duration or both coincide then she has formed a new habit. For example, if previously she saw blood from 1st to 7th of a month but during these two months she saw it from the 10th to 17th, then the period from 10th to 17th of the month will be her new habit.

508. One month" means the expiry of 30 days from the date of commencement of *Hayz* and not the period from the first to the last date of a month.

509. If a woman usually sees blood once in a month, but in a particular

month she sees it twice with signs of *Hayz*, and if the number of intervening days during which she remained *Pak* is not less than 10 she should treat both as periods of *Hayz*.

510. If a woman sees blood with signs of *Hayz* for 3 or more days and thereafter for 10 or more she sees blood with the signs of *Istihaza* and again she sees blood with signs of *Hayz* for 3 days, she should treat the first and last bleeding as *Hayz*.

511. * If a woman becomes *Pak* before the expiry of 10 days and feels that there is no blood in her interior part she should do *Ghusl* for the acts of worship although she may have a feeling that blood might appear once again before the completion of 10 days. And if she is absolutely sure that she will see blood before the lapse of 10 days, even then, as a matter of precaution, she should do Ghusl and perform her Ibadaat, but she will refrain from doing those acts which are forbidden to a *Haaez*.

512. * If a woman becomes *Pak* before 10 days but feels that there might be blood in her interior part, she should insert cotton and wait for some time to find out. If she finds out that she has become *Pak* she should take bath and perform her acts of worship. And if she finds out that she has not become *Pak* totally, and she does not have a fixed habit of *Hayz* or if her habit is 10 days, or if she has a fixed duration which is not yet completed, then she will wait. If she becomes *Pak* before ten days,

she will do *Ghusl*. If she becomes *Pak* on completion of 10 days, or if her bleeding exceeds ten days, then she will do *Ghusl* at the end of tenth day.
And if her habit is for less than 10 days, and she is sure that the blood will cease before ten days are over, or by the end of the tenth day, she must not do *Ghusl* till then. And if she has a feeling that her bleeding might exceed ten days, it is a recommended precaution that she avoids acts of worship for a day, or upto the tenth day. But this rule applies to those women who have had continuous bleeding before the days of her habit. Otherwise, it is not permissible to neglect Ibadaat after the days of habit are over.

513. If a woman treats the blood she saw during certain days as *Hayz* and did not perform her acts of worship and comes to know later that it was not

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Hayz, she should give Qadha of the lapsed prayers, and fasts, which she left out. And if she performs acts of worship under the impression that the blood is not *Hayz* but realises later that it was *Hayz*, then the fasts kept in those days will be void and therefore she should give Qadha of those fasts.

Nifas

514. From the time when the child birth takes place, the blood seen by the mother is *Nifas*, provided that it stops before or on completion of the tenth day. While in the condition of *Nifas*, a woman is called *Nafsa*.

515. The blood which a mother sees before the appearance of the first limb of the child is not *Nifas*.

516. It is not necessary that the baby is fully grown. Even if a deficient baby is born, the blood seen by the mother for ten days will be *Nifas*. The term 'Child birth' must be applicable to it.

517. It is possible that *Nifas* blood may be discharged for an instant only, but it never exceeds 10 days.

518. If a woman doubts whether she has aborted something or not, or whether the thing aborted is a child or not, it is not necessary for her to investigate, and the blood which is discharged in this situation is not *Nifas*.

519. On the basis of precaution, halting or pausing in a masjid and other acts which are haraam for a *Haaez* are also haraam for a *Nafsa* and those acts which are obligatory for a *Haaez* are also obligatory for a *Nafsa*.

520. Divorcing a woman who is in the state of *Nifas* and having sexual intercourse with her is haraam. However, if her husband has sexual intercourse with her it does not involve any Kaffara.

521. * When a woman becomes *Pak* from *Nifas*, she should do Ghusl and perform acts of worship. And if she sees blood again, once or often, and the total number of days on which blood is seen and the intervening days during which she remains *Pak* is

10 or less than 10, then all of it will be *Nifas*. In the intervening days, as a precaution, she will perform all that is obligatory

for a *Pak* woman and also refrain from all acts which are forbidden to a woman in *Nifas*. So, if she had kept fasts, she will give their Qadha.

And if the blood which she saw later exceeds ten days then there can be two situations:

if the woman does not have a fixed habit of duration, then she will count the first ten days as *Nifas*, and the rest as *Istihaza*.

and if she has fixed habit of duration, then, as a precaution, the blood which she sees after the habitual days of duration will require her to act as a *Mustahaza*, and also avoid all that is forbidden to a woman in *Nifas*.

522. If a woman becomes *Pak* from *Nifas*, but feels that there might be blood in the interior part, she should insert some cotton, and wait till she finds out. If she finds herself *Pak* then she should do *Ghusl* for the acts of worship.

523. * If *Nifas* blood is seen by a mother for more than 10 days and she has a fixed habit of *Hayz*, then her *Nifas* will be equal to the duration of *Hayz* and the rest would be *Istihaza*. And, if she does not have a fixed habit of *Hayz*, she would take ten days as those of *Hayz*, and treat the rest as *Istihaza*.

For a woman who has a fixed habit of *Hayz*, it is a recommended precaution to act as a *Mustahaza* from the day after her habit is over, and at the same time refrain from acts forbidden to one in *Nifas* till 18th day. And for a woman with no fixed habit of *Hayz*, this recommended precaution applies from the tenth to the eighteenth day since the child birth.

524. * If the habit of *Hayz* of a woman is less than 10 days and blood is seen for more days than the days of her *Hayz*, she should treat the days equal to the days of her *Hayz* as *Nifas*. After that, she has a choice either to leave out her Namaz or act according to the rules of *Istihaza*, but it is better to leave out Namaz for a day. And if the blood continues to be seen even after 10 days, then all the days in excess of her habit, upto the tenth day, will be *Istihaza* and she should give Qadha of the acts of worship which she did not perform during those days. For example, if the *Hayz* duration of a woman has always been 6 days and her blood comes for more than 6 days, she should treat 6 days as *Nifas* and on the 7th, 8th, 9th and 10th day, it will be her choice either to abstain from all acts of worship or adopt the rules of *Istihaza*. And if she sees blood for more than ten days, all the days in excess of her habitual duration of *Hayz* will be treated as the days of *Istihaza*.

525. * If a woman, with a fixed habit of *Hayz* sees blood continuously for a month or

more after giving birth to a child, the blood seen for the days equal to her *Hayz* habit will be *Nifas*, and the blood seen after that for ten days will be *Istihaza*, even if it coincides with the dates of her monthly *Hayz*.
For example, there is a woman whose fixed *Hayz* habit is from 20th to 27th of every month.
She gives birth on the 10th of a given month, and she continues to see blood for a month or more; her *Nifas* will be seven days, equal to her *Hayz* days, and will be from 10th to 17th of that month; now, the blood which she continues to see from the 17th onwards for ten days will be *Istihaza*, even though it falls in her days of *Hayz* habit. After the lapse of 10 days, if bleeding continues, then it is *Hayz* if it falls in the days of habit, irrespective of whether it has the signs of *Hayz* or not.
And if bleeding does not occur in the days of *Hayz* habit, she will wait till the days of her habit, even if it means waiting for a month or more and even if blood has the signs of *Hayz*.
And if she has no fixed habit of commencement time of *Hayz*, she should make an effort to recognise her *Hayz* by its signs; and if that is not possible, because the blood seen after *Nifas* remains of one type for a month or more, then she will adopt the habit prevailing among her relatives to determine the days of *Hayz*. And, if that also is not possible, then she has an option of fixing her days of *Hayz*. These details have been dealt with in the discussions about *Hayz*.

526. * If a woman does not have a fixed habit of duration, and if after giving birth she sees blood continuously for a month or more, the rules contained in no. 523 will apply to the first 10 days; and as for the next 10 days it is *Istihaza*. And as regards the blood seen thereafter, it can be either *Hayz* or *Istihaza*, and in order to ascertain whether it is *Hayz*, she will follow the rule stated in the foregoing clause.

Ghusl for Touching a Dead Body

527. If a person touches a human dead body which has become cold and has not yet been given Ghusl (i.e. brings any part of his own body in contact with it) he should do Ghusl regardless of whether he touched it while asleep or awake, voluntarily or otherwise. Ghusl will also be wajib if his nail or bone touches the nail or bone of the dead body. However, Ghusl is not obligatory if one touches a dead animal.

528. If a person touches a dead body which has not become entirely cold, Ghusl will not be wajib, even if the part touched has become cold.

529. * If a person brings his hair in contact with the body of a dead person, or if his body touches the hair of the dead person, or if his hair touches the hair of the dead person, Ghusl will not become obligatory.

530. * If a person touches a dead child or a foetus in which life has entered, then Ghusl for touching it will be obligatory. Hence, if a still-born child whose body has become cold, comes in contact with the outer part of its mother's body, the mother should do Ghusl for touching the dead body. In fact, as an obligatory precaution, she should do Ghusl even if the child has not touched the outer part of her body.

531. * A child who is born after its mother has died, and her body has become cold,

and if it touches any outer part of mother's dead body, it should do Ghusl on attaining the age of puberty. In fact, it should do Ghusl, as a precaution, even if it did not touch the mother's body.

532. If a person touches a dead body after it has been given three obligatory Ghusls, Ghusl for touching will not be wajib. However, if he touches any part of the dead body before the completion of 3 Ghusls he should do Ghusl for touching the dead body, even if the 3rd Ghusl of that part which he has touched may have been done.

533. If an insane person or a minor touches a dead body, the insane person would do Ghusl when he becomes sane, and similarly the minor child would do Ghusl when he attains the age of puberty.

534. * If a part is separated from a living person, or from a dead body which has not yet been given Ghusls, and a person touches that separated part he does not have to do any Ghusl even if that separated part contains bones.

535. * It is not obligatory to do Ghusl for touching a separated bone which has not been given Ghusl, whether it has been separated from a dead body or a living person. The same rule applies to touching the teeth which have been separated form a dead body or a living person.

536. The method of doing Ghusl for touching the dead body is the same as of Ghusl for Janabat. However, for a person who has done Ghusl for touching a dead body, the recommended precaution is that he should perform Wudhu if he wants to pray.

537. One Ghusl is sufficient for one who touches several corpses or touches the same corpse a number of times.

538. A person who has not done Ghusl after touching a dead body is not prohibited from halting or pausing in a masjid or from having sexual intercourse with his wife, or from reciting the verses of the holy Qur'an which have obligatory Sajdah. However, he should do Ghusl for offering prayers or for other similar acts of worship.

Rules Related to a Dying Person

539. A Muslim who is dying, whether man or woman, old or young, should, as a measure of precaution, be laid on his/her back if possible, in such a manner that the soles of his/her feet would face the *Qibla* (direction towards the holy Ka'bah)

540. It is recommended that the dead body should be laid facing the *Qibla* during the Ghusls. However, when Ghusls are completed, it is better to lay it the same way as it is laid when prayers are offered for it.

541. * It is an obligatory precaution upon every Muslim, to lay a dying person facing the *Qibla*. And if the dying person consents to it, there is no need to seek the

permission for it from the guardian. Otherwise, the permission must be sought.

542. It is recommended that the doctrinal testimony of Islam (Shahadatain) and the acknowledgement of the twelve Imams and other tenets of faith should be inculcated to a dying person in such a manner that he/she would understand. It is also recommended that these utterances are repeated till the time of his/her death.

543. It is recommended that the following supplications should be read over to a dying person in such a manner that he/she would understand: *Allahhummaghfir liyal kathira mim ma'asika waqbal minniyal yasira min ta'atika ya man yaqbalul yasira wa ya'afu 'anil kathir, Iqbal minniyal yasira wa'fu 'anniyal kathir. Innaka antal 'afuwwul Ghafur. Alla hum mar hamni fa innaka Rahim.*

544. It is Mustahab to carry a person experiencing painfully slow death to the place where he used to offer prayers, provided that it does not cause him any discomfort.

545. If a person is in the throes of death it is Mustahab to recite by his side Surah Yasin, Surah as-Saffat, Surah al-Ahzab, Ayat al-Kursi and 54th verse of Surah al-A'raf and the last three verses of Surah al-Baqarah. In fact it is

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better to recite as much from the holy Qur'an as possible.

546. * It is Makrooh to leave a dying person alone or to place a weight on his stomach, or to chatter idly or wail near him or to let only women remain with him. It is Makrooh to be by his/her side in the state of Janabat or Hayz.

Rules to Follow After the Death:

547. * It is Mustahab that the eyes and lips of a dead person be shut, its chin be tied, its hands and feet be straightened and to spread a cloth over it. If a person dies at night it is Mustahab to light the place where he/she is, to inform Momineen to join the funeral, and to hasten the burial. But if, they are not sure of his/her death, they should wait till they are certain. Moreover, if the dead person is a pregnant woman and there is a living child in her womb, her burial should be delayed till such time that her left side is cut open and the child is taken out and then to sew her side.

The Obligation of Ghusl, Kafan, Namaz and Dafn

548. * Giving Ghusl, Kafan, Hunoot, Namaz, and burial to every dead Muslim, regardless of whether he/she is an Ithna-Asheri or not, is wajib on the guardian.The guardian must either discharge all these duties himself or appoint someone to do them. And if anyone performs these duties, with or without the permission of the guardian, the guardian will be relieved of his responsibility.
And if the dead person had no guardian, or if the guardian refuses to discharge his duties, then these duties will be obligatory upon all equally, as Wajib-e-Kifaee which means if some people undertake to fulfil the obligation, others will be relieved of the responsibility. And if no one undertakes to do so, all will be equally sinful. And when a guardian refuses to discharge his duty, seeking his permission has no meaning.

549. If a person undertakes to fulfil the obligations to a dead body it is not obligatory

on others to proceed for the same. However, if that person leaves the work half done, others must complete them.

550. * If a person is certain that others are fulfiling their obligations properly, then it is not obligatory for him to proceed for the purpose. However, if he is

in doubt or has suspicion, then he should take necessary steps.

551. If a person is certain that Ghusl, Kafan, Namaz or burial of a dead body has been performed incorrectly, he should proceed to do them correctly again. But if he just feels that probably the duties were not correctly discharged, or if he has a mere doubt, then it is not obligatory to undertake the work.

552. * The guardian of a wife is her husband. And in other cases, men who inherit the dead person according to the categories which will be explained later, will take precedence over each other. However, to say that the father of the deceased takes precedence over the son, the grandfather over the brothers, or full brothers over half-brothers or the paternal uncles over the maternal uncles, is a ponderable issue, and one should act with caution as the situation demands.

553. * A minor or an insane person does not qualify for guardianship in matters related to the dead person; similarly, an absent person who can neither attend to the duties himself, nor appoint someone to do them, has no authority as a guardian.

554. * If a person claims that he is the guardian of the dead person, or that the guardian of the dead person has given him permission to carry out its Ghusl, Kafan and Dafn, or if he claims that he is the appointed executor of the dead person in the matter of its final rituals, his claim will be accepted, provided that he is reliable, or that the corpse is in his possession, or that two Adils testify to his statement.

555. * If a dead person appoints someone other than his guardian to carry out his Ghusl, Kafan, Dafn and Namaz, then he will be the rightful person to fulfil those obligations. And it is not necessary that the person whom the deceased has appointed to carry out the duties personally should accept the will. However, if he accepts it he should act accordingly.

The Method of Ghusl of Mayyit

556. It is obligatory to give three Ghusls to a dead body. The first bathing should be with water mixed with "Sidr" (Beri) leaves. The second bathing should be with ater mixed with xamphor and the third should be with unmixed water.

557. The quality of "Sidr" leaves and comphor should neither be so much that the

water becomes mixed (Mudhaaf), nor so little that it may be said that " Sidr" leaves and comphor have not been mixed with water.

558. If enough quantity os "Sidr" leaves and comphor is available, then whatever quantity available should be mixed with water.

559. * If a person dies while he is in the state of *Ihram* his dead body should not be washed with water mixed with comphor. Instead of that, pure unmixed water should be used . However, in the following two situations, water with camphor should be used:
(i) If he or she dies in Hajj Tamattu' after completing Saee';
(ii) and if it is Hajj Qiran or Ifrad, he died after having shaved the head

560. * If "Sidr" leaves and camphor or either of these things is not available or its use is not lawful (e.g. if it has been unsurped) the dead body should be given Ghusl, on the basis of precaution, with pure, unmixed water instead of the Ghusl which is not possible, and it should also be given one *tayammum*

561. * A person who gives Ghusl to a dead body should be a Muslim, perferable a Shia Ithna Asheri, adult and sane, and should know the rules of Ghusl. And if an intelligent, didcerning boy or girl, who is not yet baligh, gives Ghusl correctly, it will be sufficient. And if the deceased belongs to a sect other than Shia Ithan Asheri, and if he or she is given Ghusl according to the rules of his or her sect by a person of his or her sect, then the Shia Ithan Asheri momin will be relieve of the responsibility, except if he is the guardian.
562. * One who gives Ghusl to the dead body should perform the act with

the niyyat of Qurbat, that is, obedience to the pleasure of Allah.

563. * Ghusl to a Muslim child, even illegitimate, is obligatory. But the Ghusl, Kafan, Dafan of the a non Muslim who has been insane since childhood and has grown up without having recovered..

564. * If a foetus of 4 months or more is still-born it is obligatory to give it Ghusl, and even if it has not complete four months, but it has formed features of a human child, it must be given absent, the foetus will bewrapped up in a cloth and buried without Ghusl.

565. * It is unlawful for a man to give Ghusl to the dead body of a woman and for a woman to give Ghusl to the dead body of a man. Husband and wife can, however, give Ghusl to the dead body of each other, although the recommended precaution is that they should also avoid doing so, in normal circumstances.

566. * A man can give Ghusl to the dead body of a little girl and similarly a woman can give Ghusl to the dead body of a little boy.

567. * If no man is available to give Ghusl to the dead body of a man, his kinswomen who are also his mahram (one with whom marriage is prohibited e.g. , mother, sister,

paternal aunt and maternal aunt) or those women who become his mahram by way of marriage or sucking can give Ghusl to his dead body. Similary if no woman is available to give Ghusl to the dead body of a woman her kinsmn who are also her mahram or or have become by marriage can give Ghusl to her dead body. In either case, it is not obligatory to cover the body except the private parts; though doing so is preferred.

568. * If a man gives Ghusl to the dead body of a man, or a woman to the dead body of a woman, it is permissible to keep the body bare, except the private parts. But it is better to give Ghusl from under the dress.

569. It is haraam to look at the private parts of corpse and if a person giving

Ghusl looks at them, he commits a sin, though the Ghusl will not be void.

570. * If there is AYN Najasat on any parts of the dead body, it is obligatory to first remove it before giving Ghusl. And it is preferred that before the corpse is given Ghusl, it should be clean and free from all other najasat.

571. * Ghusle for a dead body is mimilar to Ghus of Janabat. And the obligatory precaution is that a corpse should not be given Ghusl by Irtimasi, that is, immersion, as long as it is possible to give Ghusl by way of Tartibi. And even in the case of Tartibi Ghusl it is necessary that the body should be washed on the right side first, and then the left left side. And the recommended precaution is that, if possible, none of the three parts of the body be immersed in the water. Instead water should be poured on the dead body.

572. * If someone dies in the state of Hayz or Janabat it is is not necessary to give him/ her their respective Ghusls. The Ghusl given to the dead body will suffice.

573. * As a preaution, it is haraam to change any fee for giving Ghusl to the dead. And if someone gives Ghusl with a intention of earning and without the Niyyat of *Qurbat*, then the Ghusl will be void. However, it is not unlawful to charge for the preliminary preparations before Ghusl.

574. * There is no rule for *Jabirah* in Ghusl of Mayyit, so if water is not available or there is some other valid excuse for abstaining from using water for the Ghusl, then the dead body should given one *tayammum* instead of Ghusl. As a recommended precaution, three *tayammum* may be given, and in one of the *tayammum*, there should be a *Niyyat* of *" ma-fizzimmah"*. This means that a person giving *tayammum* resolves that this *taymmum* is given to absolve him of his responsibility.

575. A person giving tayammum to the dead body should strike his own palms on earth and then wipe them on the face and back of the hands of the dead body. And the obligatory precaution is that he should, if possible, use the hands of the dead for its *tayammum* .

Rules Regarding Kafan

576. The body of a dead Muslim should be given *Kafan* with three pieces of cloth; a loin cloth, a shirt or tunic, and a full cover.

577. * As a precaution, the lion cloth should be long enough to cover the body from the navel up to the knees, better still if it covers the body from the chest up to the feet. As a orecaution, the shirt should be long enough to cover the entire body from the top of the shoulders up to the middle of the calf, and better still if it reaches the feet, As a precaution, the sheet cover should be long enough to conceal the whole body, so that both its ends could be tied. Its breadth should be enough to allow ones side to overlap the other.

578. The wajib portion of the loin cloth is that which covers from navel up to the knwee and wajib portion of a shirt is that which covers from the shoulder up to the middle of the calf of the legs. Whatever has been mentioned over and above this is the Mustahab part of the *Kafan*

579. * The Wajib quantity of *Kafan* mentioned in the above rule should be financed from the estate of the deceased, and a reasonable quantity to cover the Mustahab may also be charged to the estate, if the status of the deceased demands. But as a recommended precaution, the Mustahab parts of *Kafan* should not be changed to the shares of minor heirs.

580. * If a person makes a will that the Mustahab quantity of the *Kafan* (as mentioned in two foregoing rules) should be paid from the 1/3 of his / her estate, he /she has made a will that 1/3 of the estate should be spent for himself or herself but has not specified the type of its expenditure, or has specified it for only a part of it, then the Mustahab quantity of *Kafan* can be taken from 1/3 of the estate.

581. * If the deceased has not made a will that *Kafan* may be paid for from the 1/3 of his estate and if they wish to take it from the estate, they must not

draw more than what has been indicated in rule no. 579. And if they procured a *Kafan* which is unusually expensive, then the extra amount paid for it should not be charged to the estate. However, if his baligh heirs agree to pay from their shares of inheritance, then the sum can be deducated to the extent agreed.

582. The *Kafan* of a wife is the responsibility of her husband even if she owns her own wealth. Similarly, if a woman is given a revocable divorce and she dies before the expiry of her *Iddah*, her husband should provide her *Kafan* . And if her husband is not adult or is insane, the guardian of the husband should provide *Kafan* for the wife from his property.

583. * It is not obligatory for the relatives of deceased to provide his *Kafan* even if they were his dependents during his life time.

584. *As a precaution, it must be ensure that each of the three pieces used for *Kafan* is not thin as to show the body of the deceased. However, if the body is full concealed when all the three pieces are put together, then it will suffice.

585. * *Kafan* for a dead person must not be a unsurpep one, that is, unlawfully appropriated. If nothing else but the unsurped *Kafan* is available, then the body will be buried without kafan. In fact, the unsurped *Kafan* should removed even if the body has already been buried, except in some special situations, which cannot be discussed here.

586. * It is not permissible to give a *Kafan* which is najis, or which is made of pure silk, or which is woven with gold, except in the situation of helplessness, when no alternative is to be found.

587. It is not permissible to give *Kafan* made of hide or skin or skin of a dead Najis animal, in normal ciecumstances. In fact, even the skin of a dead *Pak* animal, or *Kafan* made of wool or fur from the animal whose meat is haraam to eat should not be used in normal circumstances. (By the term 'dead' is meant an animal who has not been slaughtered according to Shariah). But *Kafan* made of wool, fur or skin of a slaughtered halal animal can be used for the pur-

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pose. However, it is a recommended precaution to avoid them.

588. If the *Kafan* becomes *Najis* owing to its own najasat, or to some other najasat, and if the *Kafan* is not lost totally, its najis part should be washed or cut off, even after the dead body has been placed in the grave. And if it is not possible to wash it, or cut it off, but it is not possible to wash it, or cut it off, but it is possible to change it, then it should be changed.

589. If a person who is wearing *Ihram* for Hajj or Umra dies, he should be given *Kafan* like all others and there is no harm in covering his head and face.

590. It is Mustahab that one keeps one's *Kafan* and " Sidr" leaves and camphor ready during lifetime.

Rules of Hunut

591. * After having given Ghusl to a dead body it is wajib to give *Hunut*, which is to apply camphor on its forehead, both the palms, both the knees and both the big toes of its feet. It is not necessary to rub the camphor, it must be seen on those parts. It is Mustahab to apply camphor to the nose tip also. Camphor must be powded and fresh, and if it is so stale it has lost its frangrance, then it will not suffice.

592. * The recommended precaution is that camphor should first be applied on the forehead of the decead. It is not necessary to observe sequence while applying camphor to other parts mentioned above.

593. * It is better that *Hunut* is given before *Kafan*, although there is no harm in giving *Hunut* during *Kafan* or even after.

594. * It is not permissible to administer *Hunut* to a person who died in the state of *Ihram* for Umrah and Hajj, except in circumstances explained in rule no 559.

595. * Though it is haraam for a woman to perfume herself if her husband has died and she is in *Iddah*, but if she dies in *Iddah*, it is obligatory to give

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her *Hunut* .

596. * As a recommended precaution, purfumes like musk, ambergris and aloes-wood ('Ud) should not be applied to the dead body, and these things should not be mixed with camphor.

597. It is Mustahab to mix a small quantity of *Turbat* (soil of the land around the shrine of Imam Husayn) with camphor, but it should not be applied to those parts of the body, where its use may imply any disrespect. It is also necessary that the quantity of *Turbat* is not much, so that the indentity of camphor does not change.

598. * If comphor is not available or the quantity available is just sufficient for Ghusl only, then it is not wajib to apply *Hunut*. And if it is in excess of the requirement for Ghusl but is not sufficient for administering *Hunut* to all the parts, then as a precaution camphor will be applied on the forehead of the dead body first and the remainder, if any, will be applied to other parts.

599. * It is also Mustahab that 2 pieces of fresh and green twings are placed in the grave with the dead body.

Rules of Namaz-e-Mayyit

600. It is obligatory to offer Namaz-e-Mayyit for every Muslim, as well as for a Muslim child if it has completed 6 years of its age.

601. * If a child had not completed 6 years of its age, but it was a discerning child who knew that Namaz was, then as an obligatory precaution, Namaz-e-Mayyit for it should be offerred. If it did not know of Namaz, then the prayers may be offerred with the Niyyat of *Raja*. However, to offer Namaz-e-Mayyit for a still born child is not Mustahab.

602. Namaz-e-Mayyit should be offered after the dead body has been given Ghusl,

Hunut and *Kafan* and if it is offered before or during the proformance of these acts, it does not suffice, even if it is due to forgetfulness or on account of not knowing the rule.

603. It is not necessary for a person who offers Namaz-e-Mayyit to be in Wudhu or Ghusl or *tayammum* nor is it necessary that his body and dress be *Pak* Rather there is no harm even if his dress is unsurped one. However, it is better that while offering this Namaz one should observe all the formal rules which are normally observe in other prayers.

604. One who offers Namaz-e-Mayyit should face the *Qibla*, and it is also obligatory that at the time of Namaz-e-Mayyit, the dead body remains before him on its back, in a manner that its head is on his right and its feet on his left side.

605. * As a recommended precaution, the place where a man stands to offer Namaz-e-Mayyit should not be a usurped one, and it should not be higher or lower than the place where the dead body is kept. However, its being a little higher or lower is immaterial.

606. The person offering Namaz-e-Mayyit should not be dstant from the dead body. However, if he is praying in a congregation, then there is no

harm in his being distant from the dead body in the rows which are connected to each other.

607. * In Namaze-eMayyit, one who offers prayers should stand in such a way that the dead body is in in front of him, except if the Namaz is prayed in JAma'at and the lines extend beyond on the both sides, then praying away from the dead body will not be objectionable.

608. As a precaution, there should be no curtain or wall or any other obstruction between the dead body and the person offering Namaz-e-Mayyit. However, there is no harm if the dead body is in a coffin or in any other similar thing.

609. * The private parts of the dead body should be concealed when Namaz-e-Mayyit is being offered. And if it was notpossible to give *Kafan*, even then at least its private parts should be covered with a board or brick or any similar thing.

610. A person should be standing while offering Namaz-e-Mayyit and should offer it with Niyyat of *Qurbat*, specifying the dead person for whom he is praying. For example, he should make his intention thus: *Iam offering Namaz for this dead person in compliance with the pleasure of Allah."*

611. If there is no one who is capable of praying Namaz-e-Mayyit while standing, then it can be offered while sitting.

612. If the deceased had made a will that a particular person should lead the prayers for him the recommended precaution is that such person should take permission from

the guardian of the dead person.

613. It is Makrooh to repeat Namaz-e-Mayyit a number of times, unless the dead person was an *Aalim* and pious one, in which case it is not Makrooh.

614. * If a dead body is buried without Namaz-e-Mayyit, either intentionally or forgetfully, on account of an excuse, or if it transpires after its burial that the prayers offerred for it was void, it will not be permissible to dig up

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the grave for praying Namaz-e-Mayyit. There is no objection to praying, with the *Niyyat of Raja',* by the graveside, if one feels that the decay has not yet taken place.

Method of Namaz-e-Mayyit

615. There are 5 *takbirs* (saying *Allahu Akbar*) in Namaz-e-Mayyit and it is sufficient if a person recites those 5 *takbirs* in the following order:

- After making *Niyyat* to offer the prayers and pronoucing the 1st takbir he should say: *Ash hadu an la ilaha illawa ashhadu anna Muhammadan Rasulullah* (I bear witness that there is no god but Allah and that Muhammad is Allah's Messenger).
- After the 2nd takbir he should say: *Alla humma sali' ala Muhammadin wa 'ali Muhammad.* (O ' Lord Bestow peace and blessing upon Muhammd and his progeny).
- After the 3rd takbir he should say: *Allah hummaghfir lil mu'minina wal mu'minat*. (O' Lord ! Forgive all believers - men as well as women.)
- After the 4th takbir he should say: *Alla hummaghfir li hazal mayyit*. (O' Lord ! Forgive tghis dead body). If the dead person is a woman, he would say: *Alla hummaghfir li hazihil mayyit*.

Thereafter he should pronouce the 5th takbir.
It is, however, better that he should pronounce the following supplications after the takbirs respectively:
After the 1st takbir: *Ash hadu an la ilaha illallahu wahdahu la sharika lah. Wa Ashhadu anna Muhammadan 'abduhu wa Rasuluh, arsalahu bil haqqi bashiran wa naziran bayna yada yis sa'ah*.
After the 2nd takbir: *Alla humma sali 'ala Muhammadin wa Ali Muhammad wa barik ' ala Muhammadin wa Ali Muhammad warham Muhammadan wa Ala Muhammadin ka afzali ma sallayta wa barakta wa tarah hamta ' ala Ibrahima wa Ali Ibrahim innaka Hamidun Majid wa sali ' ala jami'il ambiya ' iwal-mursalina wash-shuhada'i was-siddiqina wa jami'i' ibadillah his-salihin*.
After the 3rd takbir: *Alla hum maghfir lil mu'minina wal mu'minat wal muslimina wal muslimat, al ahya'i minhum wal amwat tabi'baynana wa baynahum bil khayrati innaka mujibud-da'wat innaka ' ala kulli shy'in Qadeer*.
After the 4th takbir: *Alla humma inna haza ' abduka wabnu ' abdika wabnu amatika nazala bika wa anta khayru manzulin bihi Alla humma inna la na' lamu*

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minhu illa khayra wa anta a'alamu bihi minna. Alla humma in kana mohsinan fa zid fi ihsanihi wa in kana musi'an fatajawaz anhu waghfir lahu. Alla hummaj' alhu 'indaka fi a ' la 'illiyyin wakhluf fil ghabirin warhamhu bi-rahmatika ya ar hamar Rahimin.

If the dead body is that of a woman he should say: *Alla humma inna hazihi ' amatuka wabnatu 'abdika wabnatu amatika nazalat bika wa anta khayra manzulin bihi Allah hummah inna la na'lamu minha illa khayra wa anta a'lamu biha minna. Alla humma in kanat mohsinatan fa zid fi ihsaniha wa in kanat musi'antan fatajawaz 'anha waghfir laha. Alla hummaj'al ha 'indaka fi a'la 'illiyin wakhluf 'ala ahliha fil ghabirin warhamha bi-rahmatika ya ar hamar Rahimin*. Thereafter he should pronouce the 5th *takbir*

616. A person offering prayers for the dead body should recite *takbirs* and supplications in a sequence, so that Namaz-e-Mayyit does not loss its form.

617. A person who joins Namaz-e-Mayyit to follow Imam should recite all the takbirs and supplications.

Mustahab Acts of Namaz-e-Mayyit
618. The following acts are Mustahab in the prayers for the dead body:

- A person who offers prayers for the dead body should have had Ghusl or perform Wudhu or *tayammum* . And the precaution is that he should perform *tayammum* only when it is not possible to do FGhusl, or Wudhu, or if he fears that if he goes for Ghusl or Wudhu it will not be possible for him to participate in the prayers.
- If the dead body is that of male the Imam or a person who is offering the prayers alone should stand at the centre of its height, that is, the middle part of the dead body, and if the dead body is that of a female he should stand at the chest of the dead body.
- To pray bare-footed
- To raise one's hands (up to the ears) while pronoucing every *takbir*.
- The distance between the person offering prayers and the dead body should be also short that, when the wind blows, the dress of the person offering the prayers would touch the coffin.
- To pray in congregation
- The Imam to recite the *takbirs* and supplications loudly and those offering

the prayers with him to recite them in a low voice.
- If there is only one person joining the namaz-e-Mayyit being offerred in Jama'at, he would stand behind the Imam.
- One who offers the prayers should earnestly and persistently pray for the the dead as well as for all the believers.
- Before the commencement of the congreagtion prayers for the dead body one should say *" as-Saalat"* three times.

- The prayers be offered at a place where people often go for Namaz-e-Mayyit.
- If a *Haaez* (woman in her menses) participates in the congregational prayers for a dead person, she should stand alone and should not join the lines.

619. It is Makrooh to perform prayers for dead bodies in masjids, except in Masjidul Haram.

Rules About Burial of the Dead Body

620. * It is obligatory to bury a dead body in the ground, so deep that its smell does not come out and the beasts of prey do not dig it out, and, if there is a danger of such beasts digging it out then the grave should be made solid with bricks, etc.

621. If it is not possible to bury a dead body in the ground, it may be kept in a vault or a coffin, instead.

622. The dead body should be laid in the grave on its right side so that the face remains towards the *Qibla*.

623. * If a person dies on a ship and if there is no fear of the decay of the dead body and if there is no problem in retaining it for sometime on the ship, it should be kept on it and buried in the ground after reaching the land. Otherwise, after giving *Ghusl*, Hunut, Kafan and Namaz-e-Mayyit it should be lowered into the sea in a vessel of clay or with a weight tied to its feet. And as far as possible it should not b e lowered at a point where it is eaten up immediately by the sea predators.

624. If it is feared that an enemy may dig up the grave and exhume the dead body and amputate its ears or nose or other limbs, it should be lowered into sea, if possible, as stated in the foregoing rule.

625. * The expenses of lowering the dead body into the sea, or making the grave solid on the ground can be deducted from the estate of the deceased, if necessary.

626. * If a non-Muslim woman dies with a dead child, or soulless foetus in her womb, and if the father is a Muslim then the woman should be laid in the grave on her left side with her back towards *Qibla*, so that the face of the child is towards *Qibla*.

627. It is not permitted to bury a Muslim in the graveyard of the non-

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Muslims, nor to bury a non-Muslim in the graveyard of the Muslims.

628. It is also not permissible to bury the dead body of a Muslim at a place which is disrespectful, like places where garbage is thrown.

629. It is not permissible to bury a dead body in a usurped place&127; nor in a place which is dedicated for purposes other than burial (e.g. in a Masjid).

630. * It is not permissible to dig up a grave for the purpose of burying another dead body in it, unless one is sure that the grave is very old and the former body has been totally disintegrated.

631. * Anything which is separated from the dead body (even its hair, nail or tooth) should be buried along with it. And if any part of the body, including hair, nails or teeth are found after the body has been buried, they should be buried at a separate place, as per obligatory precaution. And it is Mustahab that nails and teeth cut off or extracted during lifetime are also buried.

632. If a person dies in a well and it is not possible to take him out, the well should be sealed, and the well should be treated as his grave.

633. If a child dies in its mother's womb and its remaining in the womb is dangerous for the mother, it should be brought out in the easiest possible way. If it becomes inevitable to cut it into pieces there is no objection in doing so. It is, however, better that if the husband of the woman is skilled in surgery the dead body of the child should be taken out by him, and failing that, the job should be performed by a skilled woman. And if that is not available, a skilled surgeon who is the *mahram* (one with whom marriage cannot be contracted) of the woman should do it. And if even that is not available a skilled man who is not *mahram* (one with whom marriage can be contracted) should remove the dead child. And if even such a person is not available the dead body can be brought out by any unskilled person.

634. If a woman dies and there is a living child in her womb, it should be brought out in the safest possible way, even if there be no hope for the child's survival. The body of the mother should then be sewn up.

MUSTAHAB ACTS OF DAFN

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635. It is Mustahab that the depth of the grave should be approximately equal to the size of an average person and the dead body be buried in the nearest graveyard, except when the graveyard which is situated farther is better due to some reasons, like if pious persons are buried there or people go there in large number for *Fateha*.

It is also recommended that the coffin is placed on the ground a few yards away from the grave and then taken to the grave by halting three times briefly. It should be placed on the ground every time and then lifted before finally it is lowered into the grave at the 4th time. And if the dead body is of a male, it should be placed on the ground at the 3rd time in such a manner that its head should be towards the lower side of the grave and at the 4th time it should be lowered into the grave from the side of its head. And if the dead body is of a female it should be placed on the ground at the 3rd time towards the *Qibla* and should be lowered into the grave sidewise and a cloth should be spread over the grave while lowering it. It is also Mustahab that the&127; dead body should be taken out of the coffin and lowered into the grave very gently, and the prescribed supplications should be recited before and during burying the dead body; and after the dead body has been lowered into the niche, the ties of its shroud should be unfastened and its cheek should be placed on earth, and an earthen pillow should be done up under its head and some unbacked bricks or lumps of clay should be placed behind its back so that the dead body may not return flat on its back. Before

closing the niche, the person reciting the *talqin* should hold with his right hand the right shoulder of the dead body and should place his left hand tightly on its left shoulder and take his mouth near its ear and shaking its shoulders should say thrice: *isma' ifham ya* ....here the name of the dead person and his father should be called.

For example, if the name of the dead person is Muhammad and his father's name 'Ali it should be said thrice: *Isma 'ifham ya Muhammad bin 'Ali. And then he should say: Hal anta 'alal 'ahdil lazi farqtana 'alayhi min shahadati an la ilaha illal lahu wahdahu la sharika lah wa anna Muhammadan sallal lahu 'alayhi wa Alihi 'abduhu wa Rasuluhu wa sayyidun nabiyyina wa khatamul mursalina wa anna 'Aliyyan Amirul mu'minina wa sayyidul wasiyyina wa imamu nif tarazallahu ta'tahu 'alal 'alamina wa annal Hasana wal Husayna wa 'Aliyyabnal Husayni wa Muhammadabna 'Aliyyin wa Ja'farabna Muhammadin wa Musabna Ja'farin wa 'Aliyyabna Musa wa Muhammadabna'Aliyyin wa 'Aliyyabna Muhammadin wal Hasanabna 'Aliyyin*

wal Qa'imal hujjatal Mahdi salawatullahi 'alayhim a'i'mmatul mu'minina wa hujajullahi'alal khalqi ajma'ina wa a'immatuka a'immatu hudan abrar ya ....(here the name of the dead person and his father should be called) and then the following words should be said: Iza atakal malakanil muqarraabani Rasulayni min 'indillahi tabaraka wa ta'ala wa sa'alaka 'an Rabbika wa 'an Nabiyyika wa 'an dinika wa 'an Kitabika wa 'an Qiblatika wa 'an A'immatika fala takhaf wa la tahzan wa'qul fi jawabi hima, Allahu Rabbi wa Muhammadun sallal lahu 'alayhi wa Alihi nabiyyi wal Islamu dini wal Qur'anu kitabi wal Ka'batu Qiblati wa Amirul mu'minina 'Aliyybnu Abi Talib imami wal Hasanubnu 'Aliyyi nil Mujtaba imami wal Husaynubnu 'Aliyyi nish-shahidu bi-Karbala imami wa 'Aliyyun Zaynul 'Abidina imami wa Muhammadu nil Baqiru imami wa Ja'faru nis Sadiqu imami wa Musal Kazimu imami wa 'Aliyyu-nir Riza imami wa Muhammadu nil Jawadu imami wa 'Aliyyu nil Hadi imami wal Hasanul 'askari imami wal Hujjatul muntazar imami ha ula'i salawatullahi 'alayhim ajma'in A'i'mmati wa sadati wa qadati wa shufa-a'i bihim atawalla wa min a'daihim atabarra'u fid dunya wal akhirati thumma i'lam ya .... here the name of the dead person and his father should be called and thereafter it should be said: *Annal laha tabaraka wa ta'ala ni'mar-Rabb wa anna Muhammadan sallal lahu 'alayhi wa Alihi ni'mar Rasul wa anna 'Aliyyabna Abi Talib wa awladahul ma'suminal A'i'mmatal ithna 'asharah ni'mal A'i'mmah wa anna ma ja'a bihi Muhammadun sallal lahu 'alayhi wa Alihi haqqun wa annal mawta haqqun wa suwala munkarin wa nakirin fil qabri haqqun wal ba'tha haqqun wan nushura haqqun wassirata haqqun wal mizana haqqun wa tatayiral kutubi haqqun wa annal jannata haqqun wan-nara haqqun wa annas sa'ata a'tiyatun la rayba fiha wa annallaha yab'athu man fil qubur*.

Then the following words should be said: Afahimta ya .... (here the name of the dead person should be called) and thereafter the following should be said: *Thabbatakallahu bil qawlith thabit wa hadakallahu ila siratim mustaqim 'arrafallahu baynaka wa bayna awliya'ika fi mustaqarrim min rahmatih*. Then the following words should be uttered: *Alla humma jafil arza 'an jambayhi vas'ad biruhihi ilayka wa laqqihi minka burhana Alla humma 'afwaka 'afwaka*.

636. It is recommended that the person who lowers the dead body in the grave should be *Pak*, bare-headed and bare-footed and he should climb out of the grave from the feet side. Moreover, persons, other than the near relatives of the deceased, should put the dust into the grave with the back side

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of their hands and recite the following: *Inna lillahi wa innailayhi raji'un*. If the dead person is a woman, her mahram and in the absence of a mahram her kinsmen should lower her in the grave.

637. It is Mustahab that the grave be square or rectangular in shape and its height equal to four fingers' span. A sign should be fixed on it for the purpose of identification and water should be poured on it, and then those present should place their hands on the grave parting their fingers and thrusting them into earth. Then recite *Surah al-Qadr* 7 times and pray for the forgiveness of the departed soul and say: *Alla humma jafil arza 'an jam bayhi wa as'idilayka ruhahu wa laqqihi minka rizwana wa askin qabrahu min rahmatika ma tughneehi bihi 'an rahmati man siwaka*.

638. It is Mustahab that when the persons who attended the funeral have departed, the guardian of the dead person or the person whom the guardian grants permission should recite the prescribed supplications for the dead person.

639. It is Mustahab that after the burial, the bereaved family&127; is consoled, praying for their well being. However, if the condolence is given long after the event, and if it serves to refresh the sorrowful memories, then it should be avoided.

It is Mustahab that food be sent to the members of the family of the deceased for 3 days. It is, however, Makrooh to take meal with them in their homes.

640. It is also Mustahab that a person should observe patience on the death of his near ones, especially on the death of his son, and, whenever the memory of the departed soul crosses his mind, he should say: *Inna lillahi wa inna ilayhi raji'un* and should recite the holy Qur'an for the sake of the departed. A man should visit the graves of his parents and pray there for the blessings of Allah for himself and should make the grave solid so that it may not be easily ruined.

641. * As a matter of precaution, one should refrain from scratching one's face or body, or uprooting one's hair to display the grief. However, slapping

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one's head or face is permitted.

642. * It is not permissible to tear one's clothes on the death of anyone except on the death of one's father and brother, though the recommended precaution is that one should not tear one's clothes on their death also.

643. If a wife mourning the death of a husband scratches her face causing blood to come out, or pulls her hair, she should, on the basis of recommended precaution, set a slave free, or feed ten poor, or provide them dress. And the same applies when a man tears his clothes on the death of his wife or son.

644. * The recommended precaution is that while weeping over the death of any person one's voice should not be very loud.

NAMAZ-E-WAHSHAT (Prayers to be offered for the departed soul on the night of burial)

645. It is befitting that on the first night after the burial of a dead person, two Raka'ats of *wahshat* prayers be offered for it. The method of offering this prayers is as follows: In the first Raka'at, after reciting *Surah al-Hamd, Ayatul Kursi* should be recited once and in the second Raka'at, *Surah al-Qadr* should be recited 10 times after Surah-al-Hamd; and after saying the *Salam* the following supplication should be recited: *Alla humma salli 'ala Muhammadin wa Ali Muhammad wab'ath thawabaha ila qabri* ......(here the name of the dead person and his father's name should be mentioned).

646. *Wahshat* prayers can be offered in the night following the burial of the dead body at any time, but it is better to offer it in the early hours of the night after *'Isha* prayers.

647. * If it is proposed to transfer the dead body to some other town or its burial is delayed owing to some reason, the *wahshat* prayers should be deferred till the first night of its burial.

EXHUMATION

648. It is haraam to open the grave of a Muslim even if it belongs to a child or an insane person. However, there is no objection in doing so if the dead body has decayed and turned into dust.

649. * Digging up or destroying the graves of the descendants of Imams, the martyrs, the Ulama and the pious persons is Haraam, even if they are very old, because it amounts to desecration.

650. * Digging up the grave is allowed in the following cases:
When the dead body has been buried in an usurped land and the owner of the land is not willing to let it remain there.

- When the *Kafan* of the dead body or any other thing buried with it had been usurped and the owner of the thing in question is not willing to let it remain in the grave. Similarly, if anything belonging to the heirs has been buried along with the deceased and the heirs are not willing to let it remain in the grave. However, if the dead person had made a will that a certain supplication or the holy Qur'an or a ring be buried along with his dead body, and if that will is valid, then the grave cannot be

opened up to bring those articles out. There are certain situations when the exhuming is not permitted even if the land, the *Kafan* or the articles buried with the corpse are *Ghasbi*. But there is no room for details here.

- When opening the grave does not amount to disrespect of the dead person, and it transpires that he was buried without *Ghusl* or *Kafan*, or the Ghusl was void, or he was not given *Kafan* according to religious rules, or was not laid in the grave facing the *Qibla*.
- When it is necessary to inspect the body of the dead person to establish a right which is more important than exhumation.
- When the dead body of a Muslim has been buried at a place which is against sanctity, like, when it has been buried in the graveyard of non-Muslim or at a place of garbage.
- When the grave is opened up for a legal purpose which is more important than exhumation. For example, when it is proposed to take out a living child from the womb of a buried woman.
- When it is feared that a wild beast would tear up the corpse or it will be carried away by flood or exhumed by the enemy.
- When the deceased has willed that his body be transferred to sacred

places before burial, and if it was intentionally or forgetfully buried elsewhere, then the body can be exhumed, provided that doing so does not result in any disrespect to the deceased.

Mustahab Ghusls

651. * In Islam, several Ghusls are Mustahab. Some of them are listed below:

- Ghusl-e-Jumuah: Its prescribed time is from Fajr to sunset, but it is better to perform it near Zuhr. If, however, a person does not perform it till noon, he can perform it till dusk without a Niyyat of either performing it on time or as Qadha. And if a person does not perform his Ghusl on Friday it is Mustahab that he should perform the Qadha of Ghusl on Saturday at any time between dawn and dusk. And if a person knows that it will not be possible for him to procure water for his Ghusl on Friday he can perform the Ghusl on Thursday with the Niyyat of Raja', that is, as a desirable act. And it is Mustahab to recite the following supplication while performing Friday Ghusl: *'Ash hadu an la ilaha il lal lahu wahdahu la sharika lah wa ash hadu anna Muhammadan 'abduhu wa Rasuluh. Alla humma salli 'ala Muhammadin wa Ali Muhammad waj'alni minat tawwabina waj'alni minal mutatahhirin*. (I testify that there is none to be worshipped but Allah alone, Who has no associate and Muhammad is His servant and Messenger. O Allah! Bless Muhammad and his Progeny. And make me one of those who are repentant and pure).
- Taking baths on the 1st and 17th nights and in the earlier part of the 19th, 21st, 23rd nights and 24th night of the holy month of Ramadhan.
- Ghusl on *Eidul Fitr* day and *Eidul Azha* day. The time of this Ghusl is from Fajr up to sunset. It is, however, better to perform it before Eid prayers.

- Ghusl on the 8th and 9th of the month of Dhul-Hijj. As regards the bathing on the 9th of Dhul-Hijj it is better to perform it at noon-time.
- Ghusl by a person who has touched a dead body after it has been given Ghusl.
- Ghusl for *Ihram* (pilgrim's dress).
- Ghusl for entry into the haram of Makkah.
- Ghusl for entry into Makkah.
- Ghusl for visiting the holy Ka'bah.
- Ghusl for entry into the holy Ka'bah.
- Ghusl for slaughtering an animal and for shaving one's head (during pilgrimage).

- Ghusl for entry into Madinah, and its haram (sanctuary).
- Ghusl for entry into the Mosque of the holy Prophet.
- Ghusl at the time of bidding farewell to the sacred shrine of the holy Prophet.
- Ghusl for *Mubahila* (imprecation) with the enemy.
- Ghusl to a new-born child.
- Ghusl for *Istakhara* .
- Ghusl for offering Istisqa' - invocation for rains.

652. * The *Fuqaha* have mentioned many more Mustahab Ghusls, some of which are as follows:

- Ghusl on all odd nights of the month of Ramadhan and on each of its last 10 nights and in the last part of its 23rd night.
- Ghusl on the 24th day of Dhul-Hijj.
- Ghusl on the day of *Eid-i-Nawroz* and 15th of Sha'ban and 9th and 17th of Rabi'ul Awwal and the 25th day of Dhul-Qa'dah.
- Ghusl by a woman who has perfumed herself for someone other than her husband.
- Ghusl by one who slept in a state of intoxication.
- Ghusl by a person who went to witness the hanging and saw the hanged person. However, if his eyes fell on him by chance or helplessly, or if he had gone for example, to give evidence, Ghusl will not be Mustahab for him.
- Ghusl for the *Ziyarat* of the Masoomen (A.S.) whether from near or far. However, as a precaution, these Ghusls should be done with the Niyyat of *'Raja'*, (i.e. with a hope that it might be a desirable act).

653. After having taken the Mustahab Ghusl listed in rule no. 651, one can perform acts (e.g. prayers) for which Wudhu is necessary. However, Ghusl performed with the Niyyat of *'Raja'* do not not suffice for Wudhu (i.e. Wudhu has to be performed).

654. If a person wishes to perform a number of Mustahab Ghusls, one Ghusl with the Niyyat of performing all the Ghusls will be sufficient.

Tayammum

Tayammum should be performed instead of Wudhu or Ghusl in the following seven

circumstances:

FIRST: When it is not possible to procure sufficient water for performing Wudhu or Ghusl.

655. * If a person happens to be in a populated area he should make his best efforts to procure water for Wudhu or Ghusl till such time that he loses all hope. And if he happens to be in a desert, he should search for water on the way or at nearby places. And if the land is uneven, or densely wooded, and it is difficult to walk, he should search for water in all the four directions for a distance covered by one or two flings of an arrow. (A fling is equal to about two hundred steps).*

656. If out of the four directions, some are even and others are uneven, one should search for water in the even direction to the extent of two arrow flings, and on the side which is uneven to the extent of one arrow fling.

657. It is not obligatory for a person to search for water in the direction where he is sure that water is not available.

658. * If the time left for Namaz is not short, and if he is sure or feels sure that water is available at a farther place, he should go there to procure water, provided that going there is not extremely difficult, and that the distance is not unusually long. And if he has mere suspicion about water being there, then it is not necessary for him to go.

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* In his commentary on the book entitled *Man la Yahzuruhul Faqih* the late Allama Majlisi has defined the distance covered by an arrow to be equal to 200 footsteps.

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659. It is not necessary that a person should go himself in search of water. He can send a reliable person for this purpose. And it is sufficient if one person goes on behalf of many.

660. * If a person feels that there might be some water in the provision he carries or at the place of encampment or even in the convoy, he should search for it thoroughly, till he is satisfied that there is no water or he becomes hopeless.

661. If a person searched for water before the time for Namaz, but did not find it and if he stayed there till the time of prayers set in, he should search for water again, as a recommended precaution, provided he feels that water may be found.

662. If a person searched for water after the time for Namaz had set in, and did not find it, if he stayed there till the time for next prayers, and if he felt there was a possibility of water being found, the recommended precaution is that he should go in search of water again.

663. When the time left for prayers is short or when there is fear of thieves or wild beasts or when the search for water is unbearable, it is not necessary for one to search for water.

664. * If a person does not search for water till the time for Namaz approaches Qadha, in spite of the fact that he would have found water if he had tried, such a person has committed a sin, but the namaz which he will pray with *tayammum* will be valid.

665. * If a person is sure that he cannot get water and does not, therefore, go in search of water and offers his prayers with *tayammum*, but realises after prayers that if he had made an effort he would have fetched water, he should, as an obligatory precaution, do wudhu and repeat the prayers.

666. * If a person could not get water after a search and prayed with *tayammum* and then learns later after offering prayers that water was available at the place where he had searched, his prayers is valid.

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667. If a person believed that the time left for prayers was little, and prayed with *tayammum* without going in search of water, but later learnt after the prayers but before the expiry of time that there was time for a search of water, then the obligatory precaution is that he should repeat that prayer.

668. * If the time for Namaz has set in and a person is already with Wudhu, he should not allow his Wudhu to become void if he knows that he will not be able to find water or he will not be able to do Wudhu again. As an obligatory precaution, he should not invalidate his Wudhu deliberately. However, a man can have sex with his wife even if he knows that he will not be able to do Ghusl.

669. * Similarly, if a person is with Wudhu before the time for prayers set in, and knew that if he made his Wudhu void, it would not be possible for him to get water, the recommended precaution is that he should try to keep his Wudhu intact. As an obligatory precaution, he should not invalidate the Wudhu deliberately.

670. If a person has just sufficient water for Wudhu or for Ghusl, and if he knows that if he spills it he will not be able to get water again, it is haraam for him to spill it if the time for prayers has already set in, and the obligatory precaution is that he should not throw it away even before the time for prayers sets in.

671. * If a person knew that he would not get water, and yet made his Wudhu void or spilled it after the time for prayers had set in, he committed a sin but his prayers with *tayammum* will be order. However, the recommended precaution is that he should offer the Qadha of the prayers.

SECOND:
672. * If a person is unable to procure water on account of old age or weakness, or fear of a thief or a beast, or because he does not possess means to draw water from a well, he should perform *tayammum*. The same would apply if acquiring water is intolerably difficult. But in this last situation, if a person, inspite of the difficulty, did not perform *tayammum*, and did Wudhu, his Wudhu will be valid.

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673. If a bucket, a rope and other similar implements are needed for pulling water out of a well, and the person concerned is obliged to purchase or hire them, he should do so even if he has to pay much more than the usual rate. Similarly, he has to buy the water even if it is sold at a higher price. However, if by doing so, his economic condition is harmed, then it is not obligatory to procure them.

674. If a person is obliged to take a loan for procuring water he should take a loan. However, if he knows or feels that it will not be possible for him to repay the loan it is not obligatory for him to take a loan.

675. If digging a well does not involve much hardship the person concerned should dig a well to get water.

676. If he is given water by another person without any obligation he should accept it.

THIRD:
677. If a person fears that if he uses water his life will be endangered, or he will suffer from some ailment or physical defect, or the illness from which he is already suffering will be prolonged, or become acute or some complications may arise in its treatment, he should perform *tayammum*. However, if he can avoid the harm by using warm water, he should prepare warm water and do Wudhu, or Ghusl when it is necessary.

678. It is not necessary to be absolutely certain that water is harmful to him. If he feels that there is a probability of harm, and if that probability is justified by popular opinion, giving cause for some fear, then he should do *tayammum*.

679. If a person has an eye disease and water is harmful to him he should perform *tayammum*.

680. If a person performs *tayammum* on account of certainty or fear about water being harmful to him but realises before Namaz that it is not harmful, his *tayammum* is void. And if he realises this after having prayed he should offer the prayers again with Wudhu or Ghusl.

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681. If a person was sure that water was not harmful to him, and he did Ghusl or Wudhu, but later realised that water was harmful to him, his wudhu and Ghusl will be void.

FOURTH:
682. * If a person fears that if he uses water for Ghusl or Wudhu, he will be involved in hardship because of thirst, he should perform *tayammum*. Tayammum is permissible in the following three cases:

1. If he fears that by using up the water for Ghusl or Wudhu he will suffer an acute thirst, which may result in his illness or death, or it may cause intolerable hardship.

2. If he fears that his dependents whose protection is his responsibility, may become ill or die due to thirst.
3. If he fears that others, human beings or animals, may die or suffer some illness or become unbearably restless and distressed due to lack of water.

Apart from these three conditions mentioned, it is not permissible to perform *tayammum* when water is available.

683. * If besides the *Pak* water which a person has for Wudhu or Ghusl he also has najis water enough for drinking, he should keep the *Pak* water for drinking and pray with *tayammum*. When water is required for other people attached to him, he would keep *Pak* water for Wudhu and Ghusl and let them quench their thirst with najis water, regardless of whether they know about the najasat or not, or whether they care about it or not. If water is required for an animal or a minor child, it should be given najis water to drink and *Pak* water be used for Wudhu or Ghusl.

FIFTH:
684. * If the body or dress of a person is najis and he possesses only as much water as is likely to be exhausted if he does Ghusl or Wudhu, and no water would be available for making his body or dress *Pak*, he should make is body or dress *Pak* and pray Namaz with *tayammum*. But if he does not have anything upon which he would do *tayammum*, then he should use the water for Ghusl and Wudhu, and pray with najis body or dress.

SIXTH:
685. If a person possesses such water or container which is not permitted to use, like when they are usurped (*Ghasbi*) he should perform *tayammum* instead of Ghusl and Wudhu.

SEVENTH:
686. When the time left for Namaz is so little that if a person does Ghusl or Wudhu he would be obliged to offer the entire prayers or a part of it after the prescribed time, he should perform *tayammum*.

687. If a person intentionally delays offering the prayers till no time is left for Ghusl or Wudhu, he commits a sin, but the prayers offered by him with *tayammum* will be valid, although recommended precaution is that he should give Qadha of the prayers.

688. If a person doubts whether any time will be left for prayers if he does Ghusl or Wudhu, he should perform *tayammum* .

689. If a person performs *tayammum* owing to shortage of time and after the Namaz he had an opportunity to do Wudhu but did not do so till the water he had is no longer with him, he will have to perform a new *tayammum* for subsequent prayers, even if

the first *tayammum* had not become void, provided, of course, that *tayammum* continues to be his religious obligation.

690. * If a person has water, but because of shortage of time he prays with *tayammum* and while in prayers, the water he had goes out of his possession, he will, as per recommended precaution, do *tayammum* again for the subsequent prayers, provided that his religious obligation continues to be *tayammum*.

691. If a person has only just enough time that he may perform Wudhu or Ghusl and offer prayers without its Mustahab acts like *Iqamah* and *Qunut*, he should do Ghusl or Wudhu, whichever is then necessary, and pray without those Mustahab parts. In fact, if for that purpose, he has to avoid the next Sura after *al-Hamd*, he should do so after doing Wudhu or Ghusl.

Things on which Tayammum is Allowed

692. Tayammum can be done on earth, sand, lump of clay or stone but the recommended precaution is that if earth is available *tayammum* should not be performed on anything else. If earth is not available, then it can be performed on sand or a lump of clay, and in absence of these on a stone.

693. * *Tayammum* can also be done on gypsum or lime-stone. Similarly, *tayammum* is allowed on dust which gathers on the dress or the carpets etc., provided that its quantity is such that it can be termed as soft earth. However, it is a recommended precaution, that using dust be avoided if other alternatives are available. It is also a recommended precaution that baked gypsum, lime, brick and mineral stones be avoided.

694. * If a person cannot find earth, sand, lump of clay or stone, he should perform *tayammum* on mud, and if even that is not available, then on dust particles which settle on the carpets or the dresses, though it may not be in a quantity which could be considered as soft earth. And if none of these things is available he should, on the basis of recommended precaution, pray without *tayammum*, but it will be obligatory for him to repeat the prayers later as Qadha.

695. * If a person can gather some earth by shaking the carpet etc. then to do *tayammum* with dust particles will not be correct. And similarly if he can make mud dry and obtain earth from it, then *tayammum* on wet mud will be incorrect and void.

696. If a person does not have water, but has snow or ice he should, if possible, melt it into water and perform Wudhu and Ghusl. And if it is not possible to do so and also he does not have anything on which *tayammum* is allowed then it is necessary that he should give Qadha after Namaz time. But it is better that he should make the parts of Wudhu or Ghusl wet with snow or ice. And if even this is not possible he should perform *tayammum* on snow or ice and offer prayers in time.

697. If a thing like straw, on which *tayammum* is void, gets mixed with clay and sand, then *tayammum* cannot be performed on it. However, if it is so little that it gets lost in the sand or clay, then *tayammum* with it is valid.

698. If a person does not own anything on which to perform *tayammum* he should, if possible, get it by purchasing or other similar means.

699. Performing *tayammum* on mud wall is valid but the recommended precaution is that if dry earth or clay is available, *tayammum* should not be performed on wet earth or mud.

700. The thing on which a person performs *tayammum* should be *Pak* and, if he has no *Pak* thing on which *tayammum* would be correct, it is not obligatory for him to offer prayers. He should, however, give its Qadha, though it is better that he should pray within the prescribed time.

701. If a person was sure that *tayammum* on a particular thing was valid and he did it accordingly, but came to know later that *tayammum* performed was void, he would repeat the prayers performed with that *tayammum*.

702. * The thing used for *tayammum* should not have been usurped, or obtained without the owner's permission. *tayammum* on usurped objects like earth, etc, will be void.

703. * *tayammum* performed in usurped area or space is not void. Hence, if a person strikes his hands on the earth for *tayammum* in his own property, and then enters the property of another person without obtaining permission to wipe his hands on his forehead, his *tayammum* is correct and valid, though he has committed a sin (by trespassing).

704. * If someone does *tayammum* on a usurped object, forgetfully or by way of negligence, his *tayammum* will be valid. However, if a person himself usurps something, and then forgets that he has usurped it, then *tayammum* performed on such a thing cannot be considered as valid.

705. * If a person is imprisoned in a usurped place and both the water and earth of that place are usurped, he should pray with *tayammum*.

706. * The thing on which a person is performing *tayammum* should, if possible, on the basis of obligatory precaution, have particles which would

stick to the hands, and after striking hands on it, one should not shake off all the particles from ones hands.

707. It is Makrooh to perform *tayammum* on the earth of a pit, and street dust, or the saline earth, on which a layer of salt has not settled. If, however, a layer of salt has settled on the earth, performance of *tayammum* on it is void.

METHOD OF PERFORMING TAYAMMUM

Instead of Ghusl or Wudhu

708. * The following 4 things are obligatory in *tayammum* performed instead of Ghusl or Wudhu.

- Intention (Niyyat)
- Striking or keeping both the palms on the object on which *tayammum* is valid. As an obligatory precaution, this should be done by both the palms together.
- Wiping or stroking the entire forehead with the palms of both the hands, and, as an obligatory precaution, its two ends commencing from the spot where the hair of one's head grow down to the eyebrows and above the nose. And it is recommended that the palms pass over the eyebrows as well.
- To pass the left palm over the whole back of the right hand and thereafter, to pass the right palm over the whole back of the left hand.

709. The recommended precaution is that *tayammum*, whether it is instead of Ghusl or Wudhu, should be performed in the following order: First, he/she should strike the hands on the earth to wipe the forehead and the back of the hands, and then strike the hands on earth once again to wipe the back of the hands.

Orders Regarding Tayammum

710. If a person leaves out even a small part of his forehead or the back of his hands in *tayammum*, forgetfully or intentionally, or even due to ignorance, his *tayammum* will be void. However, it is not necessary to be very particular; if it can be ordinarily assumed that the forehead and the backs of the hands have been wiped, it would be sufficient.

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711. * In order to be sure that the backs of the hands have been wiped, wiping should be done from slightly above the wrist, but wiping in between the fingers is not necessary.

712. As a precaution, the forehead and the backs of the hands should be wiped downwards from above, and their acts should be performed one after the other without undue interruption. If someone interrupts the sequence so much that it could not be said that he is doing *tayammum*, then *tayammum* will be void.

713. * It is not necessary to determine while making Niyyat that a particular *tayammum* is instead of Wudhu or Ghusl. However, if he has to perform two *tayammum*s, then he must clearly specify which is instead of Wudhu and which for Ghusl. And even if he fails to determine correctly the purpose of one *tayammum* which is obligatory upon him, due to some error, it will be deemed correct as long as he is aware that he is discharging his religious obligation.

714. As a recommended precaution the forehead, the palm of the hands and the backs of the hands of a person wishing to do *tayammum* should be *Pak*.

715. * While performing *tayammum* one should remove the ring one is wearing and also remove any obstruction which may be on his forehead or on the palms or back of his hands (e.g. if anything is stuck on them).

716. If a person has a wound on his forehead or on the back of his hands and if it is tied with a bandage or something else, which cannot be removed, he should wipe his hands over it. And if the palm of his hand is wounded and, bandaged in a way that it cannot be removed, he should strike his bandaged hands on a thing with which it is permissible to perform *tayammum* and then wipe his forehead and the back of his hands.

717. There is no harm if there is hair on the forehead or on the back of hands. However, if the hair of his head fall on his forehead then it should be pushed back.

718. If one feels that one has some obstruction on his forehead or on the

palm or back of his hands, an obstruction commonly known to be so, then one should verify and ensure that the obstruction is removed.

719. * If the obligation of a person is *tayammum* but he cannot perform it himself he should solicit assistance. And the one who assists should make him perform *tayammum* with his own hands. However, if this is not possible the assistant should strike his hands on a thing on which it is lawful to perform *tayammum* and then wipe it on the person's forehead and hands. In the first instance, the Niyyat for *tayammum* by the person himself will be sufficient, but, as an obligatory precaution, both he and his assistant should make the Niyyat in both the cases.

720. If a man doubts while performing *tayammum* whether or not he has forgotten a certain part of it, after he has passed that stage, he should ignore his doubt, and if that stage has not yet passed, he should perform that part.

721. * If, after wiping the left hand, a man doubts whether or not he has performed his *tayammum* correctly his *tayammum* is valid. But if his doubt is about the wiping of the left hand and if it cannot be said that he has passed that stage, he should wipe the left hand.

722. * A person whose obligation is *tayammum* and if he does not hope to be relieved of his excuse during the entire time of Namaz, he can do *tayammum*. However, if he performs *tayammum* for some other obligatory or Mustahab act and his excuse (on account of which his religious obligation is *tayammum*) continues till the time for prayers sets in, he can offer his prayers with that *tayammum*.

723. * If a person whose obligation is *tayammum* knows that his excuse will continue till the end of the time of Namaz, and has no hope for its removal, he can offer prayers with *tayammum* even during the early part of the time. But, if he knows that his excuse will cease to exist by the end of the time he should wait and offer prayers with Wudhu or Ghusl as the case may be. In fact, if he has a glimmer of hope that his excuse might be removed near the end of Namaz time, it will not be permissible for him to do *tayammum* and pray, until he loses hope altogether.

724. * If a person, who cannot perform Wudhu or Ghusl, is sure, or considers it probable, that his excuse will not be removed, he can offer the Qadha of his past prayers with *tayammum*. However, if his excuse is removed afterwards, as a recommended precaution, he should offer those prayers again with Wudhu or Ghusl. And if he does not lose all hope about the removal of the excuse, he cannot do *tayammum* to give Qadha prayers.

725. * It is permissible for a person, who cannot do Ghusl or Wudhu, to offer with *tayammum* the daily Mustahab prayers for which the time is fixed. However, if he has hope that his excuse may cease to exist before the time for prayers is over then, as an obligatory precaution, he should not offer the Mustahab prayers during the earlier part of their time.

726. * If a person does Ghusl in state of Jabira, and performs *tayammum* as a measure of precaution, and after having prayed he experiences a minor hadath (an act which breaks Wudhu, like passing wind or urinating), he should do Wudhu for subsequent prayers. And if that hadath had occurred before he had prayed, he should do Wudhu for that also.

727. If a person performs *tayammum* on account of non-availability of water or because of some other excuse his *tayammum* becomes void as soon as that excuse ceases to exist.

728. The things which invalidate Wudhu invalidate the *tayammum* performed instead of Wudhu also. Similarly, the things which invalidate Ghusl invalidate the *tayammum* performed instead of Ghusl also.

729. If one has upon him several wajib Ghusls, but he cannot do them, it is permissible for him to perform one *tayammum* instead of all those Ghusls, but the recommended precaution is that for each of those Ghusls he should perform a separate *tayammum*.

730. If a person who cannot do Ghusl wishes to perform an act for which Ghusl is obligatory, he should perform *tayammum* for Ghusl. And a person who cannot perform Wudhu wishes to perform an act for which Wudhu is obligatory, he should perform *tayammum* instead of Wudhu.

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731. * If a person performs *tayammum* instead of Ghusl of Janabat it is not necessary for him to perform Wudhu for offering prayers. However, if he performs *tayammum* instead of other Ghusls, then as recommended precaution, he should do Wudhu also. And if he cannot do Wudhu, he should do another *tayammum* instead of Wudhu.

732. * If a person performs *tayammum* instead of Ghusl of Janabat and later he commits acts which makes Wudhu void, and if he still cannot do Ghusl for later prayers, he should do Wudhu, and as per recommended precaution, perform *tayammum* also. And if he cannot do Wudhu, then as a recommended precaution, he should do *tayammum* with a hope that his responsibility is discharged.

733. If a person whose obligation is to perform *tayammum* instead of Wudhu or Ghusl so as to fulfil, for example, an act like offering prayers,and if in the first *tayammum* he makes a Niyyat to perform it instead of Wudhu, or instead of Ghusl and performs the second *tayammum* with the Niyyat of carrying out his religious obligation, it is sufficient.

734. If a person whose obligation is *tayammum* performs *tayammum* for an act, he can perform all those acts which should be done with Wudhu or Ghusl, as long as his *tayammum* and the excuse remain. However, if his excuse was shortage of Namaz time, or if he performed *tayammum* for Namaz-e-Mayyit or to go to sleep in spite of water being available, then his *tayammum* is valid for its intention and purpose only.

735. In some cases it is better that a person should give Qadha for the prayers which he offered with *tayammum*::

- When he was afraid of harm caused by using water and yet intentionally entered the state of Janabat and offered prayers with *tayammum*.
- When he knew or suspected that he would not be able to procure water and yet entered the state of Janabat intentionally and offered prayers with *tayammum*.
- When he did not go in search of water intentionally till the time for prayers became short and he offered the prayers with *tayammum* and

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learnt later that if he had made a search for water he would have been able to procure it.

- When he delayed offering prayers intentionally and offered it with *tayammum* at the end of its time.
- When he threw away the water, although he knew or suspected that he would not be able to get water, and then offered the prayers with *tayammum*.

Rules of Namaz

Namaz is the best among all acts of worship. If it is accepted by the Almighty Allah, other acts of worship are also accepted. And, if prayers are not accepted, other acts are also not accepted.
Offering of prayers five times during day and night purifies us of sins in the same anner as bathing five times during day and night makes our body clean of all filth and dirt.
It is befitting that one should offer prayers punctually. A person who considers prayers to be something ordinary and unimportant is just like one who does not offer prayers at all. The holy Prophet has said that a person who does not attach any importance to prayers and considers it to be something insignificant deserves chastisement in the hereafter.
Once, while the holy Prophet was present in the Mosque (i.e. Masjidun Nabi), a man ntered and began offering prayers but did not perform the Ruku' and Sajdah properly. The holy Prophet said: "If this man dies and his prayers continue to be this way, he will not depart on my religion". Hence, one should not offer one's prayers hurriedly.

While offering prayers one should remember Allah constantly and should offer the prayers humbly and with all solemnity. One should keep in mind the Greatness of Almighty Allah with whom one communes while offering prayers and should consider oneself to be very humble and insignificant before His Grandeur and Glory.And if a person keeps himself absorbed in these thoughts while performing prayers he ecomes unmindful and oblivious to himself, just as when an arrow was pulled out of the oot of the Commander of the Faithful, Imam Ali (peace be on him) while he was offering prayers but he did not become aware of it.
Furthermore, one who performs prayers should be repentant and should refrain from all sins and especially those which are an impediment in the way of acceptance of one's prayers (e.g. jealousy, pride, backbiting, eating haraam things, drinking intoxicating beverages, non-payment of Khums and Zakat). In fact, he should refrain from all sins. Similarly, he should avoid acts which diminish the reward for prayers like praying when one is drowsy or restless because of an urge to urinate, and while offering prayers

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he should not look up towards the sky. On the other hand, one should perform such acts which increase the reward like wearing an Aqiq, wearing clean clothes, combing the hair, brushing the teeth and using perfume.

OBLIGATORY NAMAZ

The following six prayers are obligatory:

- Daily Namaz.
- Namaz-e-Ayaat.
- Namaz-e-Mayyit.
- Namaz for the obligatory Tawaf of the holy Ka'bah.
- Qadha Namaz of father which are, as a precaution, obligatory upon his eldest son.
- Namaz which become obligatory on account of hire, vow or oath.
- Namaz-e-Jumuah is included in the Daily Namaz.

Obligatory Daily Namaz

It is obligatory to perform the following five prayers during day and night:

- Dawn prayers (Fajr) - 2 Rak'ats.
- Midday (Zuhr) and Afternoon prayers ('Asr) - each one consisting of 4 Rak'ats.
- Dusk prayers (Maghrib) - 3 Rak'ats and Night prayers ('Isha) - 4 Rak'ats.

736. While travelling, a traveller should reduce the prayers of 4 Rak'ats to 2 Rak'ats. The conditions under which the Rak'ats are reduced will be mentioned later.

Time for Zuhr and Asr Prayers

737. If a stick, a pole, or anything similar to it, which acts as an indicator (*shakhis*) is made to stand on a level ground, its shadow will fall westwards when the sun rises in the morning, and as the sun continues to rise the shadow cast by the indicator will reduce in size. And in our cities it becomes smallest at the time of the commencement of Zuhr. And as Zuhr passes the shadow cast by the indicator turns eastwards, and as the sun moves towards west the shadow gets longer. Based on this, when the shadow is the shortest, and it begins getting longer again, it is known that Zuhr has taken

place. However, in other cities like in Mecca, the shadow disappears totally, so, when it reappears it indicates Zuhr.

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738. * The time for Zuhr and Asr prayers is from when the sun starts declining at midday till sunset. But, if a person intentionally offers Asr prayers earlier than Zuhr prayers, his prayer is void. However, if a person had not prayed Zuhr till the end of time, and the time left before Qadha allows only one Namaz to be prayed, he will first offer Asr prayers in time and then his Zuhr will be Qadha. And if before that time a person offers complete Asr prayers before Zuhr prayers by mistake, his prayer is valid. But as a recommended precaution, he should treat that Namaz as Zuhr and should offer 4 more Rak'ats of prayers with the intention of relieving oneself of responsibility, if any (Ala mafi zzimmah).

739. If a person begins offering Asr prayers forgetfully before Zuhr prayers and during the prayers he realises that he has committed a mistake, he should revert his Niyyat to Zuhr prayers i.e. he should intend that from now onwards till the end of the prayers, it would be Zuhr prayers. After completing the prayers, he will offer Asr prayers.

NAMAZ-E-JUMUAH

740. * Friday prayers consists of 2 Rak'ats like Fajr prayers. The difference between these two prayers is that Namaz-e-Jumuah has two sermons before it. Namaz-e-Jumuah is *Wajib Takhyiri*, which means that we have an option to offer Jumuah prayers, if its necessary conditions are fulfilled, or to offer Zuhr prayers. Hence, if Namaz-e-Jumuah is offered then it is not necessary to offer Zuhr prayer.
The following conditions must be fulfilled for Jumuah prayers to become obligatory:

- The time for Jumuah prayers should have set in. And that means that the midday time should have begun to decline. The time for Namaz-e-Jumuah is the earliest part of Zuhr. If it is very much delayed, then Namaz-e-Jumuah time will be over, and Zuhr Namaz will have to be prayed.
- The number of persons joining Namaz-e-Jumuah should be at least five, including the Imam. If there are less than five people, Namaz-e-Jumuah would not become obligatory.
- The Imam should fulfil the necessary conditions for leading the prayers.

These conditions include righteousness (*'Adalat*) and other qualities which are required of an Imam and which will be mentioned in connection with the congregational prayers. In absence of an Imam qualifying to lead, Namaz-e-Jumuah will not be obligatory.
The following conditions should be fulfilled for the Namaz-e-Jumuah to be correct:

- The prayers should be offered in congregation. Hence, Namaz-e-Jumuah cannot be prayed alone. If a person joins Namaz-e-Jumuah before the Ruku of the second Rak'at his prayers will be valid and he will have to add another Rak'at to complete it. But, if he joins the Imam in the Ruku of the second Rak'at then the prayers may not suffice, and as a measure of precaution Zuhr Namaz should be prayed.

- Two sermons should be delivered before the prayers. In the first sermon the preacher should praise Allah and exhort the people to observe piety, and then he should also recite a short chapter (Surah) from the holy Qur'an. Thereafter he should sit down for a while and then stand up again. This time also he should praise Allah and invoke peace and blessings upon the holy Prophet and the holy Imams and, as a recommended precaution, seek forgiveness for the believers. It is necessary that the two sermons should precede the Namaz. It will not be correct to offer the prayers before the two sermons. And, it is not permissible to deliver the sermons before Zuhr time has set in. It is also necessary that the preacher should be standing while delivering the sermons. Hence, if he delivers sermons while sitting, it will not be in order. It is also necessary and obligatory that there should be a break between the two sermons by way of sitting down during the interval for a while. It is also necessary that the preacher who delivers the sermons should also lead the prayers. Taharat may not be a condition for delivering the sermons, but as a precaution, it should be maintained. As far as the glory of Allah, invocation of prayers and mercy upon the Prophet and the Imams are concerned, it must be rendered in Arabic, but the rest of it need not be in Arabic. In fact, if the majority in the audience are non-Arabs, then as an obligatory precaution, words of admonition and exhorting people to be pious and virtuous should be delivered in their language.
- The distance between the two places where Namaze-Jumuah are offered

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should not be less than one Farsakh (3 miles). Hence if the distance between the two places is lesser and both the prayers commence at one and the same time both will be void. And if one of those prayers precedes the other (even to the extent of Takbiratul-ehram i.e. the first Takbir) the one which precedes will be in order and the other will be void. If, it transpires after the Namaz-e-Jumuah is over that another Namaz-e-Jumuah had commenced earlier or simultaneously at a distance of less than farsakh, it will not be obligatory to offer Zuhr prayers. It is immaterial whether this information is received within the time or later. Moreover, a Namaz-e-Jumuah can stop another from being held within the stipulated distance only if it is itself valid, comprising of all conditions, otherwise it cannot have any prohibitive effect.
741. * When Namaz-e-Jumuah, with all its requirements is held, it will be obligatory to attend it if one who established it is Imam (A.S.) or his representative. But in a situation other than this, joining or attending it is not obligatory.

When attending is obligatory, the following points must be considered:
- The person joining should be man. Presence in Jumuah prayers is not obligatory for women.
- Freedom. Hence it is not obligatory for a slave to be present in Jumuah prayers.
- Not being a traveller. Hence Jumuah prayers is not obligatory for a traveller, regardless of whether the traveller prays Qasr or full prayers, as he would do if he intends staying for 10 days or more.
- Being free from ailment and blindness. Hence it is not obligatory for a sick or a blind man to offer Jumuah prayers.
- Not being old. Hence Jumuah prayers is not obligatory for old men.
- That the distance between the place a person is and where Jumuah prayers is going to be held should not be more than 2 *farsakh* (11 Km) and it would be obligatory for a person who is at the end of 2 *farsakh* to join the Namaz. And similarly, participation

in Jumuah prayers will not be obligatory for a person who finds it extremely difficult, because of rains, severe cold and so on.

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742. * A few rules concerning Jumuah prayers:

- It is permissible for a person, who is exempted from Jumuah prayers, and for whom presence in Jumuah prayers is not obligatory, to hasten for Zuhr prayers in the early part of its time.
- It is Makrooh to talk while Imam delivers the sermon. And if the noise created by talking prevents others from listening to the sermon, then it is haraam, regardless of whether the attendance is the minimum required or more.
- As an obligatory precaution, it is wajib to listen to both the sermons. However, listening to the sermons is not obligatory upon those, who do not understand their meanings.
- The second Adhan on Friday is an innovation. And it is the same Adhan which is usually called the third Adhan.
- It is not obligatory for a person wishing to join Jumuah Namaz to be present while Imam is delivering the sermon.
- Conducting purchase and sale at the time when people are called to Jumuah prayers is haraam, if it hinders the prayers, and not if it does not hinder. And inspite of it being haraam, the transaction done would not be void. When it was obligatory for a person to be present in Jumuah prayers and he abandoned it, and offered Zuhr prayers, his prayers would be in order.

TIME FOR MAGHRIB AND ISHA PRAYERS

743. The obligatory precaution is that as long as the redness in the eastern sky appearing after sunset has not passed overhead, Maghrib Namaz should not be performed.

744. * In normal circumstances, the prescribed time for Maghrib and Isha prayers is till midnight. But if forgetfulness, oversleeping or being in Hayz and similar unusual situations prevent one from performing the prayers till midnight, then for them the time will continue till Fajr sets in. In all the cases, Maghrib must be prayed before Isha, and if one contradicts their sequence purposely or knowingly, the Namaz will be void. However, if the time left over is just enough for Isha prayers to be offered within time, then Isha will precede Maghrib prayers.

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745. * If a person offers Isha prayers before Maghrib prayers by mistake and takes notice of this after completing the prayers, his prayers will be valid, and then he should offer Maghrib prayers after it.

746. * If a person begins Isha prayers by mistake before Maghrib prayers and realises during the prayers that he has made an error, and if he has not yet gone into Ruku of the 4th Rak'at he should turn his Niyyat to Maghrib prayers and complete the prayers. Thereafter he will offer Isha prayers. However, if he has entered Ruku of the 4th Rak'at he can continue to complete the Isha prayers and thereafter pray Maghrib.

747. * In normal circumstances, the end of the time for Isha prayers is midnight; and the night will be calculated from dawn (Subh-e-Sadiq).

748. * If a person in normal circumstances does not offer Maghrib or Isha prayers till after midnight, he should, as an obligatory precaution, offer the prayers in question before the dawn prayers, without making a Niyyat of Ada (i.e. in time) or Qadha (i.e. after the lapse of time).

Time for Fajr Prayers

749. Just before dawn a column of whiteness rises upwards from the east. It is called the first dawn. When this whiteness spreads, it is called the second dawn, and the Prime time for Subh prayers. The time for Subh prayers is till sunrise.

Rules Regarding Namaz Times

750. * A person can start offering prayers only when be becomes certain that the time has set in or when two just (*Adil*) persons inform that the time has set in. In fact, one can rely upon the *Adhan*, or on advice of a person who knows the timings and is reliable.

751. * If a person cannot be certain about the Prime time for prayers due to a personal handicap like blindness or being in the prison cell, he should delay the prayer till such time when he feels sure that the time has set in. And as an obligatory precaution, he should act the same way when there are general hindrances like dust or clouds.

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752. * If a person is satisfied on the basis of any one of the above methods that the time for prayers has set in and he begins offering prayers, but then realises during the prayers that the time has not yet set in, his prayer is void. And the position is the same if he realises after the prayers that he has offered the entire prayers before time. However, if one learns as he prays that the time has just entered or if he learns after the prayers that the time entered while he was in the process of praying, his Namaz will be valid.

753. If a person is heedless of the fact that he should pray after ensuring that the time has set in, and if he realises after the prayers that he had offered the entire prayers in time, his prayer is in order. And if he realises that he had offered his prayers before time or does not realise whether he had offered the prayers within time or not, his prayers will be void. In fact, if he realises after offering prayers that the time for prayers had set in while he was praying, he should offer that prayers again.

754. If a person was certain that the time for prayers had set in, and began offering prayers but while praying, he doubted whether or not the time for it had actually set in, his prayers would be void. However, if he is certain while offering prayers that the time for it has set in, but doubts whether what he has already performed in the prayer, has been in time or not, his prayer is valid.

755. If the time left for Namaz is so little that if we perform some Mustahab acts of the prayers, an obligatory part of the prayers will fall beyond the prescribed time, one should not perform those Mustahab acts. For example, if on account of reciting qunut

a part of the prayers will lapse beyond time, one should do without qunut.

756. If the time at the disposal of a person is sufficient for performing one Rak'at only he should offer the prayers with the Niyyat of Ada, i.e. offering the same in time. However, one should not delay offering prayers intentionally.

757. * If a person who is not a traveller has at his disposal time for offering five Rak'ats till sunset he should offer both Zuhr and Asr prayers. And if he

has less time than that he should offer only Asr prayers, and thereafter he should give Qadha of Zuhr prayers. Similarly if he has sufficient time upto midnight for offering five Rak'ats, he should offer Maghrib and Isha prayers and if he has less time than that he should offer only Isha prayers and then offer Maghrib prayers, without making a Niyyat of Ada (i.e. being in time) or Qadha.

758. * If a person who is a traveller has sufficient time at his disposal till sunset for offering three Rak'ats he should offer Zuhr and Asr prayers and if he has lesser time than that, he should offer only Asr prayers and then offer Qadha of Zuhr prayers. And if he has time enough for offering 4 Rak'ats till midnight he should offer Maghrib and Isha prayers, and if he has just enough time for three Rak'ats he should offer Isha first and then Maghrib so that at least one Rak'at falls within time. And if the time is for lesser than three Rak'ats, then he should first offer Isha prayers, followed by Maghrib without the Niyyat of Ada or Qadha. However, if he learns after completing Isha prayers that there is still time for at least one Rak'at, or more, he should hasten to offer Maghrib with the Niyyat of Ada.

759. It is Mustahab that a person should offer prayers at the Prime time prescribed for it, and great emphasis has been laid on it; alternatively, the nearer the prayers are to its Prime time, the better, except where there is good reason for delay, like, waiting to join the prayers in congregation (Namaz-e-Jamaat).

760. * If a person has a justifiable excuse for offering prayers with *tayammum* and he wishes to offer it at the Prime time knowing that his excuse will continue till the end of the prescribed time, or having no hope for redress, he can offer prayers in the early part of the time. But if he has a hope that the excuse will cease to exist, he should wait till his excuse is removed. In case his excuse is not removed, he would offer prayers in the last part of the time. But, in so doing, it is not necessary that he should wait so much that he may be able to perform only the obligatory acts of the prayers. In fact, if he has time for the Mustahab acts like Adhan, Iqamah and qunut as well, he can perform *tayammum* and offer prayers along with these Mustahab acts. As for other excuses which do not justify *tayammum*, it is permissible for

him to offer prayers at its Prime time, even if he has not lost hope about redress. However, if the excuse actually ceases to exist while he is praying, he must repeat the prayers.

761. * If a person does not know the rules about prayers, doubts occurring in it, or about the forgotten parts, and if he feels that such problems would probably arise in his Namaz, he should defer from its Prime time so as to learn the relevant rules. However, if he is hopeful that he can offer prayers correctly he may pray at its Prime time. And if no problem arose during the prayers, his prayers would be correct and valid. But if a problem arose and the rules relating to it were not known to him, he would be allowed to act on one of the two probabilities and complete the prayers. And, after the prayers, he should enquire about the rule so that if his prayers had been void he would offer it again, and if it had been valid, he need not repeat.

762. If there is ample time for prayers, and at the same time his creditor demands repayment of his loan from him, he should repay the loan first, if possible, and then offer prayers. Similarly, if there emerges another obligatory matter which demands immediate attention, like if a man sees that the Masjid is Najis he should make it *Pak* first and then offer prayers. And in both the cases if he offers his prayers first he commits a sin but his prayer is in order.

The Prayers which should be Performed in Sequence

763. One should always offer Asr prayers after the Zuhr prayers, and the Isha prayers after the Maghrib prayers. If one intentionally offers Asr prayers before Zuhr prayers, or Isha prayers before Maghrib prayers, one's prayers would be void.

764. If a person starts namaz with the niyyat of Zuhr prayers, and during the prayers he recollects that he has already offered Zuhr prayers, he is not allowed to change the niyyat to the Asr prayers.He should abandon that namaz, and start Asr namaz. And the same rule applies to the Maghrib and the Isha namaz.

765. * If a person somehow becomes sure while offering the Asr prayers

that he has not offered the Zuhr prayers, and changes niyyat to the Zuhr prayers, but later he recollects that he has infact already offered the Zuhr prayers, he can again revert to Asr, and complete the prayers, provided that he has not performed important parts like Ruku', Sajdah or any other part with the niyyat of Zuhr, otherwise his prayers will be void, and he has to offer all over again.

766. If, while offering the Asr prayers, a man doubts whether he has offered the Zuhr prayers, he should complete his namaz with the same niyyat of Asr, and then pray Zuhr. However, if the time is so short, that that the sun would set by the time he finishes the prayers, and there would be no time left even for one Rak'at, then it is not necessary to pray Zuhr namaz as Qadha.

767. * If, while offering the Isha prayers, a man doubts whether he has offered Maghrib prayers, he should complete the namaz with the same niyyat of Isha. But if the time is short, and he will not be able to perform even one Rak'at after completion of Isha, it is not necessary to pray Maghrib as Qadha.

768. * If while offering Isha prayers, a person doubts after reaching the Ruku of the 4th Rak'at, whether he has offered Maghrib prayers, he should complete the Isha

Prayers. Thereafter, he should pray Maghrib, if the time for it is still available (i.e. if it is not Qadha).

769. If a person is praying a particular namaz again as a precaution, and during the prayers he recollects that he has not offered the preceding namaz, he cannot change niyyat to that prayers. For example, when offering the Asr prayers again as a measure of precaution, he recollects that he has not offered the Zuhr prayers, he cannot change niyyat to Zuhr prayers.

770. It is not permissible to change niyyat from Qadha to Ada (i.e. prayers which is offered within the prescribed time), nor from Mustahab to obligatory prayers.

771. * If a person has sufficient time at his disposal to offer prayers within

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the time, he can, while offering the prayers, change niyyat to Qadha prayers, provided that it is possible to do so. For example, if he is offering Zuhr prayers, he can change to Qadha of dawn prayers, only when he has not entered the Ruku of the third Rak'at.

MUSTAHAB PRAYERS

772. There are many Mustahab prayers which are generally called Nafilah, but more stress has been laid on the daily Mustahab prayers. The number of the Rak'ats everyday excluding Friday, is 34. It is an follows:

- 8 Rak'ats Nafilah for Zuhr
- 8 Rak'ats Nafilah for Asr
- 4 Rak'ats Nafilah for Maghrib
- 2 Rak'ats Nafilah for Isha
- 11 Rak'ats Nafilah for Tahajjud (Namaz-e-Shab)
- 2 Rak'ats Nafilah for Fajr

As an obligatory precaution, the Nafilah for Isha prayers should be offered while sitting, and therefore its 2 Rak'ats are counted as one. But on Friday, 4 Rak'ats are added to the 16 Rak'ats of the Zuhr and the Asr Nafilah, and it is preferable that all these 20 Rak'ats are offered before the Zuhr sets in.

773. Out of the 11 Rak'ats of the night Nafilah, 8 Rak'ats should be offered with the niyyat of the Nafilah, 2 Rak'ats with the niyyat of Shaf'a, and 1 Rak'at with the Niyyat of Witr. Complete instructions regarding Namaz-e-Shab are given in the book of prayers.

774. * All Nafilah prayers can be offered while sitting, but then, certain Fuqaha say that 2 Rak'ats prayed sitting should be counted as one Rak'at. For example, if a person wishes to offer Zuhr Nafilah which consists of 8 Rak'ats, in a sitting posture, he should offer 16 Rak'ats. And if he wishes to offer Witr prayers while sitting, he should offer two prayers of 1 Rak'at each. This later preference is not known from any sources; however, they may be followed with the hope of earning divine pleasure.

775. Zuhr Nafilah and Asr Nafilah should not be offered when one is on a journey, and one may offer Isha Nafilah with the intention of Raja'.

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The Timings of Daily Nafilah Prayers

776. * The Zuhr Nafilah is offered before Zuhr prayers. Its time is from the commencement of the time of Zuhr, up to the time when the shadow of indicator equals 2/7th of its length. For example, if an indicator is 7 yards long, and the shadow appearing after Zuhr reaches 2 yards, the Nafilah time would end. He should now offer Zuhr prayers.

777. * The Asr Nafilah are offered before Asr prayers, and its time is till the moment when the shadow of an indicator appearing after Zuhr, reaches of 4/7th of its length.

In case a person wishes to offer Zuhr and Asr Nafilah after their recommended time, he can offer the Zuhr Nafilah after Zuhr prayers, and the Asr Nafilah after Asr prayers, but as a precaution, he will not make niyyat of Ada or Qadha.

778. * The Maghrib Nafilah should be offered after Maghrib prayers, and one should make an effort to offer it in time after Maghrib. However, if one delays offering Maghrib Nafilah till redness in the western sky disappears, then it would be better to offer Isha prayers at that moment.

779. The time for Isha Nafilah is from the completion of Isha prayers till midnight. It is better to offer it immediately, after Isha prayers.

780. * The Fajr Nafilah is offered before the Fajr prayers, and its time commences when Namaz-e-Shab has been completed, till the time of Namaz-e-Fajr draws near. But if someone delays it till redness is seen in the eastern sky, then it is better to pray namaz of Fajr.

781. * The time for Namaz-e-Shab is from midnight till Adhan for Fajr prayers, and it is better to offer it nearer the time of Fajr prayers.

782. A traveller (i.e. one on a journey), and a person who finds it difficult to offer Namaz-e-Shab after midnight, can offer it before midnight.

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Ghufayla Prayers

783. Ghufayla prayers is one of the Mustahab prayers which is offered between Maghrib and Isha prayers. In its first Rak'at after Surah al-Hamd, instead of any other Surah, the following verses should be recited: *Wa zannuni iz zahaba mughaziban fazanna an lan naqdira 'alayhi fanada fiz zulumati an la ilaha illa anta subhanaka inni kuntu minazzalimin fastajabna lahu wa najjaynahu minal ghammi wa kazalika nunjil mu'minin.*

In the second Rak'at after Surah al-Hamd, instead of other Surah, the following verse should be recited: *Wa 'indahu mafatihul ghaybi la ya'lamuha illa huwa wa ya'lamu ma fil barri wal bahri wa ma tasqutu min waraqatin illa ya'lamuha wa la habbatin fi zulumatil arz wa la ratbin wa la yabisin illa fi kitabim mubin.* And in Qunut this Dua be recited: *Alla humma inni as aluka bi mafatihli ghaybil lati la ya 'lamuha illa anta*

an tusalliya 'ala Muhammadin wa Ali Muhammad wa an taf'al bi........... (here one should mention his wishes).
Thereafter, the following Dua should be read: *Alla humma anta waliyyu ni'mati wal qadiru 'ala talabati ta'lamu hajati fa as aluka bihaqqi Muhammadin wa Ali Muhammadin 'alayhi wa 'alay himussalamu lamma qazaaytaha li.*

RULES OF QIBLA

784. Our Qibla is the holy Ka'bah, which is situated in Makkah, and one should offer one's prayers facing it. However, a person who is far, would stand in such a manner that people would say that he is praying facing the Qibla, and that would suffice. This also applies to other acts which should be performed facing the Qibla like, while slaughtering an animal etc.

785. * A person offering obligatory prayers while standing should have his chest and stomach facing the Qibla, and his face should not digress from Qibla, and the recommended precaution is that the toes of his feet should also be facing Qibla.

786. * If a person offers prayers while sitting, it is necessary that his face, chest and stomach face the Qibla.

787. * If a person cannot offer prayers in the sitting posture, he should lie on the right hand side in such a manner that the front part of the body would face the Qibla. And if that is not possible, he should lie on the left

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hand side in such a manner that the front part of his body would face the Qibla. And if even that is not possible, he should lie on his back in such a manner, that the sole of his feet face the Qibla.

788. Namaz-e-Ihtiyat, and forgotten Sajdah, and forgotten tashahhud should all be offered facing the Qibla, and on the basis of recommended precaution, Sajda-e-Sahv should also be offered facing the Qibla.

789. A Mustahab namaz can be offered while one is walking, or riding, and if a person offers Mustahab prayers in these two conditions, it is not necessary that he should be facing the Qibla.
790. * A person who wishes to offer prayers, should make efforts to ascertain the direction of Qibla, and for that, he has to either be absolutely sure, or acquire such information as may amount to certainty, like testimony of two reliable persons. If that is not possible, he should form an idea from the Niche (Mehrab) of the Masjid or from the graves of the Muslims, or by other ways, and act accordingly. In fact, if a non-Muslim who can determine Qibla by scientific method, indicates Qibla satisfactorily, he can be relied upon.

791. If a person, who has a mere surmise about Qibla, and is in a position to have a better idea, he should not act on that guess work. For example, if a guest has an idea about the direction of Qibla on the statement of the owner of the house, but feels that he can acquire a firmer knowledge about Qibla by some means, he should not act on his host's words.

792. If a person does not possess any means of determining the direction of Qibla, or in spite of his efforts, he cannot form an idea about it, it will be sufficient for him to offer his prayers facing any direction. And the recommended precaution is that, if he has sufficient time at his disposal, he should offer the same prayers 4 times, each time facing every one of the four directions.

793. If a person is sure or guesses that Qibla is on one of the two directions, he should offer prayers facing both.

794. If a person has to offer prayers facing a few direction, and wants to offer two prayers like Zuhr prayers and Asr prayers, which should be

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offered one after the other, the recommended precaution is that he should offer the first namaz facing those few directions, and then commence the second prayers.

795. If a person who is not certain about the direction of Qibla, wishes to perform acts other than namaz, which should be done facing the Qibla like, slaughtering an animal, he should act according to his surmise about the direction of Qibla , and if that does not seem possible, then performing the act facing any direction will be valid.

Covering the Body in Prayers

796. While offering prayers, a man should cover his private parts even if no one is looking at him, and preference is that he should also cover his body from the navel up to the knee.

797. * A woman should cover her entire body while offering prayers, including her head and hair. As a recommended precaution, she should also cover the soles of her feet. It is not necessary for her to cover that part of her face which is washed while performing Wudhu, or the hands up to the wrists, or the upper feet up to the ankles. Nevertheless, in order to ensure that she has covered the obligatory parts of her body adequately, she should also cover a part of the sides of her face as well as lower part of her wrists and the ankles.

798. When a person offers the forgotten Sajdah or tashahhud, he should cover himself in the same manner as in prayers, and the recommended precaution is that he should also cover himself at the time of offering Sajda-e-Sahv.

799. If while offering prayers, a person does not cover his private parts intentionally, or on account of not having cared to know the rule, his prayers is void.

800. * If a person realises while offering prayers, that his private parts are visible, he must immediately cover them, and it is not necessary for him to repeat the prayers. As a measure of precaution, he should not continue per-

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forming any part of the prayers, as long as the private parts are visible. If he learns

after the completion of prayers that his private parts were visible, his prayers would be deemed valid.

801. If the dress of a person covers his private parts while he stands, but it may not cover them in another posture like in Ruku or Sajdah, his namaz will be valid if he manages to conceal them by some other means. However, the recommended precaution is that he should not pray in such dress.

802. * One is allowed to cover oneself at the time of offering prayers with grass, and the leaves of the trees, but as a recommended precaution, these should be used only when no alternative is available.

803. * In a state of helplessness, when one has nothing to cover one's private parts, one may, while offering prayers, use mud to conceal one's private parts.

804. * If a person does not have anything with which to cover himself while offering prayers, but has a hope that he may get some cover, then it is better to delay offering the prayers. However, if he does not get anything, he should offer prayers discharging his obligation at the end bit of the time. And if he prayed in the prime time, and his excuse did not continue till the end, then as an obligatory precaution, he should pray again.

805. * If a person who intends offering prayers does not have anything, not even leaves, or grass, or mud to cover himself, and if he has no hope of acquiring any of them, if there are no people looking, he should pray normally, performing Ruku and sajdah etc. as usual. And if there are people watching, then he should pray in such a way that his private parts remain hidden from the view, by praying while sitting, and performing Ruku and Sajdah by signs.
As an obligatory precaution in namaz, an unclothed person should cover his private parts with the parts of his own body, say, while sitting with the thighs, and while standing with his hands.

Conditions for Dress Worn during Prayers

806. There are six conditions for the dress used in namaz:

- It should be *Pak*.
- It should be mubah (permissible for him to use).
- It should not be made of the parts of a dead body.
- It should not be made of the carcass, whose meat is haraam.
- If a person who offers prayers is a male, his dress must not be made of pure silk.
- If a person who offers prayers is a male, his dress must not be embroidered with gold. The details of these will follow later.

807. The dress of a person who offers prayers should be *Pak*. Therefore, if he prays with najis body, or dress, in normal situations, his prayers would be void.

808. * If a person did not care to know that namaz offered with najis body or dress is void, and he prayed in that state, his prayers is void.

809. * If a person did not care to learn the rule that a particular thing is najis, like, if he does not know that the sweat of a Kafir is najis, and he prayed with it, his prayer is void.

810. * If, a person was sure that his body or dress was not najis, and came to know after namaz, that either of them was najis, the prayers are in order.

811. * If a person forgets that his body or dress is najis, and remembers during namaz, or after completing namaz, as an obligatory precaution, he should offer the prayers again, if his forgetting was due to carelessness. And if the time has lapsed, he should give its Qadha. If it was not due to carelessness, it is not necessary to pray again, except when he remembers during namaz, in which circumstances, he will act as explained below.

812. * If a person has ample time at his disposal while offering prayers, and he realises during the prayers that his clothes are najis, and sus pects that they may have been najis before he started the prayers, he should wash it, or change it, or take if off, provided that in so doing, his namaz does not

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become invalidated, and continue with the namaz to its completion. But if he has no other dress to cover his private parts, or washing the dress, or taking it off may invalidate his namaz, he should, as an obligatory precaution, repeat his namaz with *Pak* clothes.

813. * When a person is praying, and the time at his disposal is short, and during the prayers he realises that his clothes are najis, and suspects that they may have been najis before he started the prayers, he should wash it, change, it or take it off provided that in so doing his namaz is not invalidated, and complete the namaz. But if he has no other clothes which would cover his private parts if he took off the dress, nor can he wash or change it, he should complete his namaz with the same najis dress.

814. * When a person is praying, and the time at his disposal is short, and during the prayers he realises that his body has become najis, suspecting that it may have been so before he started the prayers, he should wash that najasat off his body, if in so doing his namaz is not invalidated. But if it invalidates, then he should complete his namaz in the same state, and his namaz will be valid.

815. * If a person doubts whether his body or dress is *Pak*, and if he did not find anything najis after investigation, and prayed, his namaz will be valid even if he learns after namaz that his body or dress was actually najis. But if he did not care to investigate, then as an obligatory precaution, he will repeat the prayers. If the time has lapsed, he will give its *Qadha*.

816. If a person washes his dress, and becomes sure that it has become *Pak*, and offers prayers with it, but learns after the prayers that it had not become *Pak*, his prayers are in order.

817. If a person sees blood on his body or dress, and is certain that it is not one of the najis bloods, like, if he is sure that it is the blood of a mosquito, and if after offering the prayers, he learns that it was one of those bloods with which prayers cannot be offered, his prayers are in order.

818. If a person is sure that the blood which is on his body or dress, is a type

of najis blood which is allowed in namaz, like, the blood from wound or a sore, but comes to know after having offered his prayers, that it is the blood which makes prayers void, his prayers will be in order.

819. If a person forgets that a particular thing is najis, and his wet body or dress touches that thing, and then he offers prayers forgetfully, recollecting after the prayers, his prayer is in order. In such situation, if he does Ghusl without first making his body *Pak*, and then proceeds to pray, both his Ghusl and namaz will be void, unless he is sure that in the process of doing Ghusl, his body also became *Pak*. Similarly, if any part of Wudhu is washed without first making it *Pak*, and prayers are offered, both Wudhu and the prayers will be void, unless he is sure that in the process of Wudhu, that part, which he had forgotten to be najis, had become *Pak*.

820. * If a person possesses only one dress, and if his body and dress both are najis, and if the water in his possession is just enough to make one of them *Pak*, the obligatory precaution is to make the body *Pak*, and offer prayers with the najis dress. It is not permissible to wash the dress, and pray with najis body. However, if the najasat of the dress is more, or intense, then he has an option to make either of them *Pak*.

821. A person who does not have any dress other than a najis one, should offer prayers with that najis dress, and his prayers will be in order.

822. If a person has two sets of dresses, and knows that one of them is najis, but does not know which, and has sufficient time at his disposal, he should offer prayers with each one of them. For example, if he wishes to offer Zuhr and Asr prayers, he should offer one Zuhr prayer and one Asr prayer with each set. However, if the time at his disposal is short, he may offer the prayers with either of them, and it will be sufficient.

823. * The dress which a person uses for offering prayers should be Mubah. Hence, if a person knows that it is haraam to use an usurped dress, or does not know the rule on account of negligence, and intentionally offers prayers with the usurped dress, as a precaution, his prayers would be void. But if his dress includes such usurped things which alone cannot cover the

private parts, or even if they can cover the private parts, he is not actually wearing them at that time (for example, a big handkerchief which is in his pocket) or if he is wearing the usurped things together with a Mubah covering, in all these cases, the fact

that such extra things are usurped would not affect the validity of the prayers; although, as a precautionary measure, their use should be avoided.

824. * If a person knows that it is haraam to wear usurped dress, but does not know that it makes prayers void, and if he intentionally offers prayers with usurped dress, as a precaution, his prayers will be void, as explained in the foregoing article.

825. * If a person does not know that his dress is usurped, or forgets about it being usurped, and offers prayers with it, his prayers is in order, provided that he himself is not the usurper. If he himself is the usurper, his namaz, as a precaution, will be void.

826. If a person does not know or forgets that his dress is a usurped one, and realises it during prayers, he should take off that dress, provided that his private parts are covered by another thing, and he can take off the usurped dress immediately without the continuity of the prayers being broken. And if his private parts are not covered by something else, or he cannot take off the usurped dress immediately, or the continuity of the prayers is not maintained if he takes if off, and if he has time for at least one Rak'at, he should break the prayers and offer prayers with a dress which has not been usurped. But if he does not have so much time, he should take off the dress while praying, and complete the prayers according to the rules applicable to the prayers by the naked.

827. If a person offers prayers with a usurped dress to safeguard his life or, for example, to save the dress from being stolen by a thief, his prayers are in order.

828. If a person purchases a dress with the particular sum of money whose khums has not been paid by him, then namaz in that dress will amount to the namaz in a dress which has been usurped.

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829. * The dress of the person, including those which alone would not cover the private parts, as an obligatory precaution, should not be made of the parts of the dead body of an animal whose blood gushes when killed. And the recommended precaution is that even if the dress is made of the parts of the dead body of an animal whose blood does not gush (for example, fish or snake), it should not be used while offering prayers.

830. * If the person, who offers prayers, carries with him parts from a najis carcass, which are counted as living parts, like, its flesh and skin - the prayers will be in order.

831. If a person who offers prayers has with him parts from a carcass, whose meat is halal, and which is not counted as a living part, e.g. its hair and wool, or if he offers prayers with a dress which has been made from such things, his prayers are in order.

832. * The dress of one who is praying, apart from the small clothes like socks which would not ordinarily serve to cover the private parts, should not be made of any part of the body of a wild animal, nor, as an obligatory precaution, of any animal whose meat is haraam. Similarly, his dress should not be soiled with the urine, excretion, sweat, milk or hair of such animals. However, if there is one isolated hair on the dress,

or if he carries with him, say, a box in which any such things have been kept, there is no harm.

833. * If the saliva, or water from the nose, or any other moisture, from an animal whose meat is haraam to eat, like that of a cat, is on the body or the dress of a person in namaz, and if it is wet, the namaz will be void. But if it has dried up, and if its substance has been removed, then the prayer is valid.

834. If hair and sweat and saliva of another person is on the body, or the dress of a person offering prayers, there is no harm in it. Similarly, there is no harm if animal products, like wax, honey or pearls are with him while he prays.

835. If the person offering prayers, doubts whether his dress is made of the

parts of an animal whose meat is halal, or with the parts of the animal whose meat is haraam, he is allowed to offer prayers with it, irrespective of whether it has been made locally or imported.

836. It is not known whether a pearl oyster is one of the parts of an animal whose meat is haraam, therefore it is permissible to offer prayers with it.

837. There is no harm in wearing pure fur, and similarly the fur of a grey squirrel, while offering prayers. However, recommended precaution is that one should not offer prayers with the hide of a squirrel.

838. If a person prayed with a dress about which he did not know that it was made of the parts of an animal whose meat is haraam, or if he forgot about it, he should, as a recommended precaution, pray again.

839. The use of a dress embroidered with gold is haraam for men, and to pray in a such a dress will make namaz void. But for women its use, whether in prayers or otherwise, is allowed.

840. It is haraam for men to wear gold, like hanging a golden chain on one's chest, or wearing a gold ring, or to use a wrist watch or spectacles made of gold, and the prayers offered wearing these things will be void. But women are allowed to wear these things in prayers or otherwise.

841. If a person did not know, or forgot that his ring or dress was made of gold, or had a doubt about it, his prayers will be valid if he prayed wearing them.

842. * In namaz, the dress of a man, even his small scalp cap, or the laces for fastening the pyjama, or trousers, should not be made of pure silk. The latter two are as a measure of recommended precaution. However, for men it is haraam to wear pure silk at any time.

843. If the entire lining of a dress or a part of it is made of pure silk, wearing it is haraam for a man, and offering prayers with it will make it void.

844. If a man does not know whether a particular dress is made of pure silk, or of something else, it is permissible for him to wear it, and there is also no harm in offering prayers wearing it.

845. There is no harm if a silken handkerchief, or anything similar is in the pocket of a man, it does not invalidate the prayers.

846. A woman is allowed to wear silken dress in namaz, and at all other times.

847. When one is helpless, having no alternative, one can wear usurped dress, or dress made of gold fabrics, or of silk. Similarly, if a person is obliged to wear a dress, and has no other dress but one of those mentioned, he can offer prayers with such dresses.

848. * If a person does not have any dress but the usurped one, and if he is not forced to put on that dress, he should pray according to rules prescribed for the one who has to offer namaz unclothed.

849. * If a person does not have a dress, except the one made of the parts of the wild animal, and if he is obliged to put on that dress, he is allowed to pray with that dress. But if it is not necessary for him to put on a dress, he should act accordingly to the rules for the unclothed. But if the dress available is not from a wild beast, but from the parts of an animal whose meat is haraam, and if he is not in anyway obliged to wear it, then, as an obligatory precaution, he should pray twice; once with that dress, and again according to the rules applicable to unclothed person.

850. If a person does not have a dress other than a dress which is made of pure silk or is woven with gold, and if he is not obliged to wear any dress, he should offer prayers in accordance with the rules applicable to the unclothed.

851. * If a person does not have anything with which he may cover his private parts in namaz, it is obligatory on him to procure such a thing on hire, or to purchase it. However, if it is going to cost him more than he can afford,

or, if he spends for the clothes, it would cause him some harm, he can offer namaz according to the rules prescribed for the unclothed person.

852. If a person does not have a dress, and another person presents or lends him a dress, he should accept it, if the acceptance will not cause any hardship to him. In fact, if it is not difficult for him to borrow, or to seek a gift, he should do so, from the one who may be able to give.

853. * Wearing a dress whose cloth, colour, or stitch, is not befitting to the status of a person, or is unusual for him, is haraam if it is undignified or humiliating. But if he offers namaz with such a dress, even if it is only enough to cover his private parts, his prayers will be valid.

854. * If a man wears the dress of a woman, or a woman wears the dress of a man, adopting it as a usual garb, as a precaution, this is haraam. But praying in that dress, in any situation, will not invalidate namaz.

855. * For a person who has to pray while lying down, it is not permissible in namaz to use a blanket or a quilt made of the parts of a wild beast, or, as an obligatory precaution, an animal whose meat is haraam, or of silk, or if it is najis, if he wraps it around in such a way that it can be seen as worn. But if he only draws it upon himself, there will be no harm, and his namaz will not be affected. As for the mattress, there is no objection at all, except when he wraps a part of it around his body, making it to look like wearing. If he does so, then the same rule as that of quilt will apply.

Exceptional Cases

856. * In the following three cases, the prayers offered by a person will be valid, even if his body or dress be najis:

- If his body or dress is stained with the blood discharged from a wound or a sore on his body.
- If his body or dress is stained with blood, spread over a space lesser than a *dirham* (which is almost equal to the upper joint of the thumb).
- If he has no alternative but to offer prayers with najis body or dress. Further, there is one situation in which, if the dress of one who prays is najis, the namaz will be valid. And that is, when small clothes like socks,

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scalp caps are najis. Rules of these four situations will be explained in details later.

857. * If the body or the dress of a person wishing to pray is stained with blood from wound or sore etc, he can pray namaz with that blood as long as the wound or the sore has not healed up. And the same applies to pus, which may flow out with blood, or any medicine which became najis, when applied to the wound or the sore.

858. If blood on the dress or the body of a person who is praying, originates from a small cut or wound which can be healed easily, and which can be washed clean, then his namaz is void.

859. If any part of the body, or the dress, which is away from the wound, becomes najis owing to the fluid which oozes out from the wound, it is not permissible to offer prayers with it. However, if a part of the body or dress around the wound becomes najis, owing to suppuration, there is no harm in offering prayers with it.

860. If the body or dress of a person is stained with blood from internal piles, or from a wound which is within one's mouth, nose etc., he can offer prayers with that blood. But if the blood is from external piles, then it is obviously permissible to offer prayers with it.

861. * If a person has a wound on his body and he sees blood on his body or dress which is bigger than the area of a *dirham* and does not know whether it is from his wound or some other blood, as an obligatory precaution, he should not pray with it.

862. If a person has several wounds, but they are so near one another that they may be treated as one, there is no harm in offering prayers with their blood, as long as they have not healed. However, if they are separate, each one as an independent wound, he should wash and make *Pak* body and dress, each time when a wound is healed up.

863. If the clothes or the body of a person praying, is stained with the blood of Hayz, however little, the namaz will be void. And as a precaution, the

same rule applies to the blood of Nifas, Istihaza and the blood from sources which are essentially najis, like a pig, a carcass, or an animal whose meat is haraam. As regards other bloods, like the blood from a human body, or from an animal whose meat is halal, there is no harm in offering prayers with them, even if they are found at several places on the dress or the body, provided that, when added together, their area is less than that of a *dirham*.

864. * If blood stains one side of the dress, and then seeps through to the other side, it will be considered as one. However, if the other side of the dress gets smeared with blood separately, each one will be considered as a separate blood. Therefore, if blood on both sides is less than a *dirham* in area when put together, namaz will be valid with them. But if it exceeds the area, then namaz will be void.

865. * If blood falls on a dress which has a lining, and reaches it, or falls on its lining and reaches the upper part of the dress, each of them will be considered separate blood, unless they are so joined together, that it would be customarily be considered as one blood. Hence if the area of the blood of the dress and that of the lining, when added together, are less than the area of a *dirham*, the prayers offered with them will be in order, and if they are more, the prayers offered with that blood will be void.

866. If the area of the blood on one's body or dress is less than that of a *dirham*, and some moisture reaches it and spreads over its sides, the prayers offered with that blood is void, even if the blood and the moisture which has spread there, is not equal to the area of a *dirham*. However, if the moisture reaches the blood only, without wetting its edges, then there is no objection in offering prayers with it.

867. If there is no blood on the body or dress of a person, but it becomes najis because of contact with some moisture mixed with blood, prayers cannot be offered with it, even if the part which has become najis is less than the area of a *dirham*.

868. * If the area of the blood present on the body or dress of a person is less than that of a *dirham*, but another najasat reaches it, like when a drop of

urine falls on it, it is not permissible to offer prayers with it, regardless of whether this extraneous najasat reaches the body or the dress or not.

869. * If small dresses belonging to a person offering prayers, like his socks or scalp cap, which would not ordinarily cover his private parts, become najis, and if they are

not made of the parts of a carcass or an animal whose meat is haraam to eat, the prayers offered with them will be in order. And there is also no objection if one offers prayers with a najis ring.

870. It is permissible for a person in namaz to carry with him najis things, like najis handkerchief, key and knife. Similarly, if he has a separate najis dress which he is carrying, it will not affect the validity of his prayers.

871. If a person knows that the area of the blood stain on his body or dress is less than that of a *dirham*, but suspects that it may be one of those blood (e.g. Hayz, Nifas, Istihaza) which are not excused in namaz, he is permitted to offer prayers with that blood, and it will not be necessary to wash it off.

872. If the area of blood stains on the dress, or body of a person, is less than that of a *dirham*, but he is not aware that it is one which is not excused in the prayers, and learns later after Namaz, that it was the blood which are not excused, it is not necessary for him to offer the prayers again. Similarly, if he believes that the span of the blood is less than that of a *dirham* nd offers prayers, then comes to know later, that it was equal to or more than the area of a dirham, it is not necessary to offer the prayers again.

Mustahab Things
873. A number of things are Mustahab for the dress of a person who offers prayers. Some of these are: Turban, along with its final fold passed under the chin; loose garment on the shoulder ('Aba); white dress; and cleanest dress; use of perfume, and wearing an Aqeeq (Agate).

Makrooh Things
Certain Items are Makrooh for the Dress of One who Prays:
874. To wear a black, a dirty, or a tight dress, or to put on a dress of a person who is a drunkard, or of one who is careless about najasat. Similarly, to

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wear a dress which has images printed or drawn on it, to keep the buttons open, to wear a ring which has images engraved on it.

Place where Namaz should be prayed
There are seven conditions for the place where one should offer prayers:

875. * **The first condition:** The place where the prayers are offered should be Mubah. If a person prays on a usurped property, then as an obligatory precaution, his prayers are void, even it he prays on a carpet, or a couch, or similarly objects. However, there is no harm in offering prayers under a usurped roof or a usurped tent.

876. * Prayers offered in a property whose use and benefit belongs to someone else, will be void, unless permission is taken from the entitled person. For example, if a house has been rented out, and the owner of the house, or anyone else offers prayers in that house without permission of the tenant, then as a measure of precaution, his prayers are void. And if a person made a *will* before his death that one-third of his

estate should be used for a particular cause, prayers cannot be offered in that property until that one-third has been dispensed with.

877. * If a person sitting in a mosque, is made to quit his place by someone who then occupies his place, the prayers offered there will be valid, though he will have committed a sin.

878. * If a person does not know, or forgets that a place is a usurped one, and offers prayers on it, and learns or remembers it after offering prayers, his prayers are in order. However, if a person usurped a place himself but forgets it, and offers prayer there, his prayers are void.

879. * If a person knows that a certain place is usurped, but does not know the rule that prayers at a usurped place are void, and offers prayers there, his prayers are void.

880. If a person is obliged to offer obligatory prayers while riding, and if the

animal of his riding, or its saddle, or stirrups are usurped ones, his prayers are void. And the same rule applies if he wishes to offer Mustahab prayers while riding that animal.

881. If a person owns a property in partnership with another person, and his share is not defined, he cannot use that property to offer prayers without the consent of his partner.

882. * If a person purchases a property with the sum of money from which Khums has not been paid by him, his use of that property is haraam, and the prayers which he offers in it are void.

883. * If the owner gives a verbal consent for offering prayers in his property, but it is known that he is not happy about it at heart, then offering prayers in his property is void. Conversely, if he does not give verbal permission but it is known with certainty that he is happy about it, then offering prayers in his property will be in order.

884. * Use of a property which belongs to a dead person, who has not paid Zakat or other similar dues, is allowed, provided that such a use does not in any way prevent from obligations. A person wishing to pray in such property can do so, with the permission of the heirs. Similarly, there will be no objection, if the debt is paid up, or guaranteed for payment.

885. * The rule for the use of a property belonging to a dead person who is indebted to people, is the same as above mentioned rule, pertaining to Zakat and other similar dues.

886. * If a dead person did not owe anyone, but some of his heirs are either minor, or insane, or absent, then use of that property without permission of the guardian of those heirs, is haraam, and it is not permissible to offer prayers in it.

887. * To pray in someone else's property is permissible only when the owner has given an explicit consent, or has made a hint implying permission. For example, if he permits a person to stay and sleep in his property, it

will be implied that he has given him permission for offering prayers as well.

888. * It is permissible to pray on a vast expanse of land, even if its owner is a minor, insane, or unhappy about praying on it. This also applies to lands which have no gates or walls over them. No permission will be required from its owner, except if it is known that the owner is minor, insane, or displeased about anyone praying there. In such a case, as an obligatory precaution, prayers should not be offered there.

889. * **The second condition:** The place for prayers should not have such a vigorous movement which would make normal standing, Ruku or Sajdah impossible. In fact, as an obligatory precaution, it should not prevent the body from being at ease. But if one is forced to pray at such places, due to shortage of time, or any other reason, like in a car, on a ship or on train, then one should try to remain still, and to maintain the direction of Qibla, as much as possible. And if the vehicles move away from the direction, he should return to Qibla.

890. * There is no harm in offering prayers in a car or a boat, or on railway train or other vehicles, while they are motionless. And if they do not cause excessive swaying to the body, when they are in motion, one can pray in them.

891. Prayers offered on a heap of wheat, or barley, or any other similar thing, which cannot remain steady, is void.

The Third Condition: A person should offer prayers at a place where he sees the possibility of completing the prayers. To pray at a place where one cannot complete the prayers, because of strong winds, or heavy rains or a teeming crowd, will render namaz void, even if one somehow manages to finish the prayers.

892. If a person offers prayers at a place where it is forbidden to stay, like, under a roof which is about to collapse, his prayers are in order, though he will have committed a sin.

893. * To pray on an object upon which it is haraam to step, or sit, like a carpet upon which the name of Allah is drawn or written, will render prayers void, if the action is meant to displease Allah.

The Fourth Condition: The ceiling of the place where one prays should not be so low, that one may not be able to stand erect, nor should the place be so small, that there may be no room for performing Ruku or Sajdah.

894. If a person is forced to offer prayers at a place where it is not at all possible to stand, he will pray while sitting. And if it is not possible to perform Ruku and Sajdah,

he should perform them by head signs.

895. * One should not offer prayers in front of the graves of the holy Prophet, and the holy Imams, if it entails irreverence, otherwise there is no harm in it.

The Fifth Condition: If the place where one wishes to pray is najis, it should not be so wet that its moisture would reach the body or the dress of the person praying. But, if the place where one places one's forehead while performing Sajdah, is najis, the prayers will be void, even if that place is dry. And the recommended precaution is that the place where one offers prayers should not be najis at all.

The Sixth Condition: As an obligatory precaution, women should stand behind men while praying. At least, her place of Sajdah should be in line with his thighs, when in Sajdah.

896. * If a woman stands in line with man, or in front of him in namaz, and both of them begin together, they should repeat their prayers. And the same applies if one of them starts earlier than the other.

897. * If a man and a woman are standing side by side in namaz, or woman is in front, but there is a wall, curtain, or something else separating them, so that they cannot see each other, the prayers of both of them are in order. Similarly, the prayers of both will be valid if the distance between them is ten arms.

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The Seventh Condition: The place where a person places his forehead while in Sajdah, should not be higher or lower than a span of four fingers, when compared to the place of thighs or toes of his feet. The details of this rule will be given in the rules relating to Sajdah.

898. * For a Na-Mahram man and woman to be at a place, where there is a possibility of falling into sin is haraam. As a recommended precaution, one must avoid praying at such places.

899. Prayers at a place where musical instrument etc. is being played, is not void, but hearing or performing it is a sin.

900. * The obligatory precaution is that in normal situation, obligatory prayers should not be offered in the Ka'ba, and on the roof of the Holy Ka'ba, but there will be no harm if one is forced to do so.

901. There is no harm in offering Mustahab prayers in the Holy Ka'ba, or on its roof. In fact, it is Mustahab to offer two Rak'ats before every pillar within the Holy House.

Mustahab Places for Offering Prayers

902. In Islam, great emphasis is laid on offering prayers in a mosque. Masjidul Haram is superior to all the mosques, and after it, the order of priority is as follows:
- Masjidun Nabi (in Madina)
- Masjid Kufa (in Kufa)

- Masjid Baytul Maqdas (in Jerusalem)

Then comes the number of Jami' Masjid (central mosque) of every city, followed by the mosques situated in one's locality, and then that of the bazaar.

903. * For women, it is better to pray at such places where they are best protected from Na Mahram, regardless of whether that place is her home, a mosque or anywhere else.

904. Namaz in the Shrines of the holy Imams is Mustahab, and is even bet-

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ter than offering prayers in a mosque. It has been reported that the reward for offering prayers in the sacred Shrine of Amirul Mu'minin Imam Ali (p.b.u.h.), is equal to 200,000 prayers.

905. Frequenting a mosque, and going to a mosque which is visited by very few people, is Mustahab. And it is Makrooh for a neighbour of the mosque to pray anywhere other than a mosque, unless he has a justifiable excuse.

906. It is Mustahab that one should not sit to eat with a person who does not attend prayers in a mosque, should not seek his advice, should not be his neighbour, and should not enter into matrimonial bond with his family.

Places where Offering Prayers is Makrooh

907. There are a number of places where it is Makrooh to offer prayers. Some of them are the following:

- Public bath
- Saline land
- Facing a human person
- Facing an open door
- On a road or street, provided that offering of prayers at these places does not cause inconvenience to others. If it is a source of inconvenience, and discomfort to them, it is haraam to obstruct their way.
- Facing fire or a lamp
- In the kitchens, and at every place where there is a furnace
- Facing a well or a pit where people often urinate
- Facing the picture or models of living creatures, unless it is covered
- In the room where a Mujnib is present </li<
- At a place where there is a picture, even if it may not be placed in front of the person who offers prayers
- Facing a grave
- On the grave
- Between two graves
- In the graveyard

908. If a person is offering prayers at a place where people are passing, or

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where somebody is present in front of him, it is Mustahab that he should set a demarcation before him, even by keeping a wooden stick, or a string.

Rules Regarding a Mosque

909. * It is haraam to make the floor, roof, ceiling and inner walls of a masjid najis, and as and when a person comes to know that any of these parts has become najis, he should immediately make it *Pak*. And the recommended precaution is that the outer part of the wall of a mosque, too, should not be made najis. And if it becomes najis, it is not obligatory to remove the najasat. But if someone makes it najis to violate its sanctity, that act is haraam, and the najasat should be removed.
910. * If a person cannot make a mosque *Pak*, or needs help which is not available, then it is not obligatory for him to make it *Pak*. But if he feels that the mosque will be made *Pak* if he informs others, then he should do so.

911. * If a place in a mosque becomes najis, and it cannot be made *Pak* without digging or demolishing it, the place should be dug or demolished, provided that it is minimal, or if its demolition is absolutely necessary for saving its sanctity. Otherwise, demolition is a matter of Ishkal. However, it is not obligatory to refill the dug area, or to rebuild the demolished part. But if a small item, like a brick of a mosque became najis, it should be put back to its place after making it *Pak*.

912. * If a mosque is usurped, and houses etc. are built in its place, or if it becomes so dilapidated that it can no more be called a mosque, even then, as a recommended precaution, it should not be made najis. But if it becomes najis, it is not obligatory to make it *Pak*.

913. It is haraam to make the precincts (Haram) of the Holy Shrines najis, but if anyone of these precincts become najis, and if its remaining in that state affects its sanctity, then it is obligatory to make it *Pak*. And the recommended precaution is that it should be made *Pak*, even if no desecration is involved.

914. * If the mat of a masjid becomes najis, it should be made *Pak*. If the mat

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remaining najis affects the sanctity of the mosque, but washing may spoil or ruin the mat, then that part which has become najis should be cut off.

915. It is haraam to carry any *Najisul Ayn* or a thing which has become najis, into a mosque, if doing so desecrates the mosque. In fact, the recommended precaution is that even if desecration of the mosque is not involved, *Najisul Ayn* should not be carried into it.

916. If a mosque is draped with black cloth, or covered with a marquee in preparation of Majlis to be read there, and tea is prepared, there will be no objection to all that if they do not have any harmful effect on the mosque, and if it does not obstruct those who come to pray.

917. * The obligatory precaution is that a mosque should not be adorned with gold, and the recommended precaution is, that it should not be adorned with the pictures of men and animals.

918. Even when a mosque is ruined, it is not permissible to sell it, or to make it a part of a property, or a road.

919. It is haraam to sell doors, windows, and other things of a mosque, and if the mosque becomes dilapidated, those things should be used for the renovation of the same mosque. If they are not useful for that mosque they should be used in any other mosque, and if they are not of any use for other mosques also, then they may be sold, and the proceeds should be used for that very mosque, if possible. If that is not possible, then it should be spent on the repairs of any other mosque.

920. Building a mosque and renovating a dilapidated mosque is Mustahab. And if a mosque is so ruined, that it is not possible to repair it, then it can be demolished and rebuilt. In fact, a mosque which may not be in a bad state can be demolished for extension, to facilitate the needs of the people.

921. To keep a mosque clean and tidy, and to illuminate it, is Mustahab. And for a person visiting a mosque, it is Mustahab to apply perfume, and wear neat and good dress and to ensure that the soles of his shoes do not

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contain any najasat, and when entering the mosque, to put his right foot in first, and on exit, to put his left foot out first. Similarly, it is Mustahab that one should come to the mosque earlier than others, and leave it after they have departed.

922. It is Mustahab that when a person enters a mosque, he should offer two Rak'at prayers as gesture of greeting and respect to the mosque, but it will suffice if he offers any obligatory or Mustahab prayers.

923. * It is Makrooh to sleep in a mosque, except when helpless, and to talk about worldly affairs, to engage oneself in some craft, and to recite poetry, which is not religiously instructive. It is also Makrooh to spit or throw phlegm or mucus from the nose, in a mosque, or to shout or raise one's voice, except for Adhan.

924. * It is Makrooh to allow an insane person to enter a mosque, and also a child if it causes inconvenience to the people praying, or if it is feared that it might make the mosque najis. In absence of these two reasons, there is no harm in allowing the children. Similarly, for people who have eaten onions, garlic etc. and their bad breath may upset others, it is Makrooh to go to the mosque.

ADHAN AND IQAMAH

925. It is Mustahab for man and woman to say Adhan and Iqamah before offering daily obligatory prayers, but for other Mustahab or obligatory prayers, they are not prescribed. But before prayers of *Eid ul Fitr and Eid ul Adha*, it is Mustahab to say"As-Salah" three times, provided that the prayers are going to be offered in congregation.

926. It is recommended that Adhan be pronounced in the right ear of the child, and Iqamah in its left ear, on the day it is born or before the umbilical cord is cast off.

927. Adhan consists of the following 18 sentences:

- *Allahu Akbar* .... four times

(Allah is greater than any description)

- *Ash hadu an la ilaha illal lah* .... two times

(I testify that there is no god but Allah)

- *Ash hadu anna Muhammadan Rasu lul lah* .... two times

(I testify that Muhammad is Allah's Messenger)

Hayya'alas Salah .... two times

(Hasten to prayers)

- *Hayya'alal Falah* .... two times

(Hasten to deliverance)

- *Hayya'ala Khayril 'Amal* .... two times

(Hasten to the best act)

- *Allahu Akbar*... two times

(Allah is greater than any description)

- *La ilaha illal lah*... two times

(There is no god but Allah)
As regard to Iqamah, it consists of 17 sentences. In *Iqamah, Allahu Akbar* is reduced in the beginning to twice, and at the end, *La ilaha illal lah* to once, and after *Hayya 'ala Khayril 'Amal, Qadqa matis Salah* (i.e. the prayers has certainly been established) must be added two times.

928. *Ash hadu anna Amiral Mu'minina 'Aliyyan Waliyyullah* (I testify that the Commander of the faithful, Imam Ali (AS) is the vicegerent of Allah) is not a part of either Adhan or Iqamah. But it is preferable that it is pronounced after *Ash hadu anna Muhammadan Rasulul lah* with the niyyat of *Qurbat*.

929. There should not be an unusual interval between the sentences of Adhan or

Iqamah, and if an unusual gap is allowed between them, the Adhan or Iqamah will have to be repeated.

930. If Adhan and Iqamah are recited in a melodious tune, rendering it musical, that is, like the way singers sing to entertain the people, it is haraam. If it it does not become musical, it is Makrooh.

931. * Whenever a person offers two prayers together, one after the other, he will not say Adhan for the second prayers if he has said it for the first, irrespective of whether it was better in that case to pray together or not, like

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on the day of *Arafah* (9th Dhul Hijjah) for Zuhr and Asr prayers, or the night of *Eid ul Adha* for Maghrib and Isha at Mash'ar. But the Adhan does not become necessary, only if there is no prolonged gap between the two prayers. A small time lapse between two prayers, caused by Duas or Nafilah, will not be taken as a prolonged gap. And if one gives Adhan, as per obligatory precaution, one should not make the niyyat of it being prescribed by Shariah, especially in the last two cases of *Arafah* and *Mash'ar*.

932. If Adhan and Iqamah has been pronounced for congregational prayers, a person joining that congregation should not pronounce Adhan and Iqamah, for his own prayers.

933. * If a person entering a mosque finds that congregational prayers are over, he may not give Adhan or Iqamah for his own prayers, as long as the lines have not broken up, and the people have not dispersed. This means it is not an emphasised Mustahab act for him. If he intends to give Adhan or Iqamah anyway, then it should be with very low voices. If he is joining another prayers with congregation, he should not give Adhan or Iqamah.

934. * At a place where congregational prayers have just ended, and the lines have not yet broken up, if a person wants to begin his prayers individually, or with another congregation, he is exempted from pronouncing Adhan and Iqamah on six conditions:
(i) If prayers are offered in a mosque. If it is not offered in a mosque, the exemption from pronouncing Adhan and Iqamah is not established.
(ii) If Adhan and Iqamah has already been recited for the preceding prayers.
(iii) If the congregational prayers offered is not void.
(iv) When the prayers of the person concerned, and the congregational prayers are offered at one and the same place. If the congregational prayers are offered within the mosque, and he wants to offer prayers on its roof, it is Mustahab that he should pronounce Adhan and Iqamah.
(v) When the congregational prayers have been offered within prescribed time (Ada'). His own prayers which he wishes to offer may not necessarily be within time.
(vi) When both, his prayers and the congregational prayers, are for com-

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mon time. For example, both of them should be offering Zuhr prayers or Asr prayers. The same is applicable if he prays Zuhr while the congregation prays Asr or vice

versa. But if his praying Maghrib in its prime time, with a congregation which is offering Asr at its lapsed time, Adhan and Iqamah will not be exempted.

935. * If a person doubts about the third condition out of the six conditions mentioned above, that is, if he doubts whether or not the congregational prayers are void, he is exempted from pronouncing Adhan and Iqamah. But if he doubts about any one of the remaining conditions, it is better that he should pronounce Adhan and Iqamah, with the niyyat of Raja' (a hope that he may be doing a worthy deed).

936. * It is Mustahab that when a person hears Adhan, he follows by uttering together in a low voice whatever he hears.

937. * If a person hears another person pronouncing Adhan and Iqamah, regardless of whether he has repeated with him the same or not, he may not say Adhan and Iqamah for his own namaz, if there is no delay or time gap between them and his namaz.

938. If a man listens to the Adhan pronounced by a woman with lustful amusement, he will not be exempted from pronouncing Adhan. In fact, even if intention is not lustful, the exemption is a matter of Ishkal.

939. It is necessary that the Adhan and Iqamah of a congregational prayers are pronounced by a man. However, if a woman pronounces Adhan and Iqamah in a congregational prayers of women, it is sufficient.

940. Iqamah should be pronounced after Adhan. Moreover, Iqamah should be pronounced in a standing position, and with Wudhu, Ghusl or *tayammum*.

941. If a person pronounces the sentences of Adhan or Iqamah without proper order, like if he says *'Hayya 'alal falah'* before *'Hayya alas Salah;* he should repeat from the place where the order has been disturbed.

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942. An inordinate lapse of time should not be allowed between Adhan and Iqamah, and if an excessive gap is allowed between them, it is Mustahab that Adhan be pronounced once again. Similarly, if an excessive time gap is allowed between Adhan, Iqamah, and the prayers, it is Mustahab to repeat them for that prayers.

943. Adhan and Iqamah should be pronounced in correct Arabic. Hence, if they are pronounced in incorrect Arabic, or one letter&127; is uttered for another, or if, for example, its translation is pronounced, it will not be valid.

944. * Adhan and Iqamah for a prayer should be pronounced when the time for that prayer has set in. If a person pronounces them before time, whether it be intentionally or due to forgetfulness, his action is void, except when the time of namaz sets in during the namaz being offered, then that is valid, as explained in rule 752.

945. If a person doubts before pronouncing Iqamah, whether he has pronounced Adhan, he should pronounce Adhan. But, if he doubts during Iqamah whether he has pronounced Adhan, the pronouncing of Adhan is not necessary.

946. If before pronouncing a part of Adhan or Iqamah, a person doubts whether he has pronounced the part preceding it, he should pronounce the preceding part. But, if he doubts when in the process of pronouncing a part of Adhan or Iqamah whether he has pronounced the part preceding it, it is not necessary to pronounce that part.

947. It is Mustahab that while pronouncing Adhan, a person should stand facing Qibla and should have performed Wudhu or Ghusl. It is Mustahab to place the hands on his ears, and raise one's voice. Also, one should pause between the recitals of different sentences, and should not engage in talking during Adhan.

948. It is Mustahab that at the time of pronouncing Iqamah, a person is at ease, and he pronounces it with a lower voice. While it is Mustahab not to join the sentences of Iqamah, there should not be that gap between them which is normally given in Adhan.

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949. It is Mustahab that between the Adhan and Iqamah, a man should take a step forward, or should sit down for a while, or perform sajdah, or recite any Dhikr, or Dua', or become quiet for some time, or talk, or offer two Rak'ats of prayers. However, talking between the Adhan and Iqamah of Fajr prayers, or offering prayers between the Adhan and Iqamah of Maghrib prayers, is not Mustahab.

950. It is recommended that a person who is appointed to pronounce Adhan is a righteous person ('Adil), with the knowledge of timings, and his voice is loud. He should pronounce Adhan from an elevated place.

Obligatory Acts Relating to Namaz

There are eleven obligatory acts for prayers:
- *Niyyat* (intention)
- *Qiyam* (standing erect)
- Takbiratul Ehram (saying Allahu Akbar while commencing the prayers)
- *Ruku'* (bowing)
- *Sajdatayn* (two prostration)
- *Qira'at* (recitation of Surah al-Hamd and other surah)
- *Zikr* (prescribed recitation in Ruku' and Sajdah)
- *Tashahhud* (bearing witness after completing the Sajdah of the second and the last Rak'at)
- *Salaam* (Salutation)
- *Tartib* (sequence)
- *Muwalat* (to perform the different acts of prayers in regular succession).

951. * Some of the obligatory acts of prayers are elemental (Rukn). Hence, a person who does not offer them, whether intentionally or by mistake, his prayers become void. Some other obligatory acts of prayers are not elemental. Therefore, if they are omitted by mistake, the prayers does not become void.
The elementals of Namaz are five:
- Intention (Niyyat)
- Takbiratul Ehram

- Standing before the Ruku'
- Ruku'
- Two Sajdah in every Rak'at.

Any addition made to these elemental (Rukni) acts, intentionally, will render the prayers void. If the addition is done by mistake, the prayers does not become void except when a Ruku' is added, or more than two Sajdah are offered in one Rak'at.

Niyyat

952. * A person should offer prayers with the intention of Qurbat, that is, complying with the orders of the Almighty Allah. It is not, however, necessary that he should make the niyyat pass through his mind, or should, for example, utter: *I am offering four Rak'ats of Zuhr prayers Qurbatan ila-llah.*

953. If a person stands for Zuhr prayers or for Asr prayers, with niyyat to offer four Raka'ts without specifying whether it is Zuhr or Asr prayers, his prayers are void. Similarly, if he wants to offer a Qadha Zuhr prayers at the time of Zuhr, he should specify whether he is offering the Zuhr prayers of the day, or the Qadha.

954. A person should be conscious and aware of his niyyat, from the beginning of the prayers till its end. Hence, if, during the prayers he becomes so lost that he is unable to say what he is doing, if asked, his prayer is void.

955. * A person should offer prayers to carry out the orders of the Almighty Allah only. So, if a person prays to show off to the people, his prayers is void. It will be void even if he couples the intention of showing off, with the performance for the pleasure of Allah.

956. * If a person offers a Wajib or Mustahab part of prayers for the sake of any one other than Allah, his prayers are void, if that intention affects the whole Namaz, or redressing it is not possible without invalidating the namaz. Similarly, if, for the purpose of showing off, one prays at a special place, like the mosque, or at a special time, like the prime time, or in a special manner, like joining Namaz-e-Jamaat, his prayers will also be void.

Takbiratul Ehram

957. To say *Allahu Akbar* in the beginning of every prayer is obligatory, and one of its Rukns, and it is necessary that every letter and the two words are

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uttered in proper succession. It is also necessary that these two words should be pronounced in correct Arabic. If a person pronounces these words incorrectly, or utters their translation, it will not be valid.

958. The recommended precaution is that one should not join *Takbiratul Ehram* of the prayers with any preceding recitations, like, Iqamah or with a Dua which he may be reciting before the *Takbir*.

959. * If a person wishes to join *Allahu Akbar* with a recitation to follow, like, with *Bismillahir Rahmanir Rahim*, he should pronounce the "R" of *Akbar* as *Akbaru*. However, the recommended precaution is that he should not join it with any other thing in obligatory prayers.

960. It is necessary that when a person pronounces *Takbiratul Ehram*, his body is steady, if he pronounces *Takbiratul Ehram* intentionally when his body is in motion, his Takbir is void.

961. * A person should pronounce *Takbir, Hamd, Surah, Zikr* and *Dua* in such a manner that he should at least hear the whisper. And if he cannot hear it because of deafness or too much noise, he should pronounce them in such a manner that he would be able to hear, if there was no impediment.

962. * If a person is dumb, or has some defect in his tongue, rendering him unable to pronounce *Allahu Akbar*, he should pronounce it in whatever manner he can. And if he cannot pronounce it at all, he should say it is his mind, and should make a suitable sign with his finger for *Takbir*, and should also move his tongue, if he can. The same rule applies to a person who is born dumb.

963. It is recommended that after the *Takbiratul Ehram*, a person should say this: *Ya uhsinu qad atakal musiu wa qad amartal muhsina an yatajawaza 'anil musiei antal Muhsinu wa anal Musio bihaqqi Muhammadin wa Ali Muhammadin salli 'ala Muhammadin wa Ali Muhammadin wa tajawaz 'an qabihi ma ta'lamu minni..* (O Lord Who are Beneficent! This sinful has come efore You and You have ordered the charitable to show indulgence to the sinners. You are Beneficent, and I am a sinner. Bestow Your blessings on Muhammad and his progeny, and pardon my evil acts of which You are aware).

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964. It is Mustahab for a person pronouncing the first *Takbir* of the prayers, and also the *Takbirs* which occur during the prayers, to raise his hands parallel to his ears.

965. If a person doubts whether he has pronounced *Takbiratul Ehram* or not, and if he has started *Qira'at*, he should ignore his doubt. But if he has not recited anything, he should pronounce the *Takbir*.

966. If after having pronounced *Takbiratul Ehram*, a person doubts whether he has pronounced it correctly, he should ignore his doubt at any stage.

Qiyam (To Stand)

967. To stand erect while saying *Takbiratul Ehram*, and to stand before the Ruku (which is called *qiyam muttasil ba ruku')* is the Rukn of the prayers. But, standing while reciting Surah al-Hamd and the other Surah and standing after performing the Ruku, is not Rukn and if a person omits it inadvertently, his prayers are in order.

968. It is obligatory for a person to stand awhile before and after pronouncing *Takbir*, so as to ensure that he has pronounced the *Takbir* while standing.

969. * If a person forgets to perform Ruku, and sits down after reciting *Hamd* and Surah, and then remembers that he has not performed Ruku, he should first stand up and then go into Ruku. If he does not stand up first, and performs Ruku while he is bowing, his prayers will be void because of not having performed *qiyam* (standing) before Ruku (*Qiyam muttasi'l ba Ruku'*).

970. * When a person stands for *Takbiratul Ehram* or *Qir'at* (recitation), he should not move his body, nor should he incline on one side, and as an obligatory precaution, he should not lean on anything in normal condition. However, if he is helpless, and is obliged to lean on something, there is no harm in it.

971. If while standing, a person forgetfully moves his body, or inclines on one side, or leans on something, there is no harm in it.

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972. * The obligatory precaution is that at the time of standing for namaz, both the feet of a person are on the ground. However, it not necessary that the weight of his body should be on both the feet. If the weight is on one foot, there is no harm in it.

973. * If a person, who can stand properly, keeps his feet so wide that it may not be considered as standing, or not as normal standing, his prayers are void.

974. * When a person is engaged in obligatory Zikr in the prayers, his body should be still, and, as an obligatory precaution, it applies to Mustahab Zikr also. And when he wishes to go a little backward or forward, or to move his body a little towards right or left, he should not recite anything at that time.

975. * If he recites something Mustahab while in motion, for example, if he says Takbir while going into Ruku or Sajdah, his Zikr will not be correct but his namaz will be valid. *Bi hawli lahi wa quwwati Aqumu wa Aq'ud* should be said in the state of rising.

976. There is no harm in the movement of hands and fingers at the time of reciting *Hamd*, although the recommended precaution is that it should be avoided.

977. If at the time of reciting *Hamd, Surah orTasbihat*, somebody moves so much involuntarily that the body is no more steady, the recommended precaution is that after his body resumes steadiness, he should recite again, all that he has recited while his body moved.

978. If a person becomes unable to stand while offering prayers, he should sit down, and if he is unable to sit, he should lie down. However, until his body becomes steady, he should not utter any of the obligatory Zikr.

979. As long as a person is able to offer prayers standing, he should not sit down. For example, if the body of a person shakes, or moves when he stands, or he is obliged to lean on something, or to incline his body a bit, he

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should continue to offer prayers standing in whatever manner he can. But, if he cannot stand at all, he should sit upright, and offer prayers in that position.

980. * As long as a person can sit, he should not offer prayers in a lying posture, and if he cannot sit straight, he should sit in any manner he can. And if he cannot sit at all, he should lie, as stated in the rules of Qibla, on his right side. If he cannot lie on that side, he should lie on his left side, but as an obligatory precaution, he should not lie on the left side as long as it is possible for him to lie on the right side. When it is not possible to lie on either side, then he should lie on his back, with his feet facing Qibla.

981. If a person is offering prayers in a sitting position, and if after reciting Hamd and Surah, he is able to stand up and perform Ruku, he should first stand, and then perform Ruku. But, if he cannot do so, he should perform Ruku while sitting.

982. If a person, who is offering prayers in a lying position, can sit during the prayers, he should offer, those parts of the prayers while sitting. Also, if he can manage to stand, he should offer those parts of the prayers while standing. But, as long as his body is not still, he should not utter any of the obligatory Zikr.

983. If a person offering prayers in a sitting position becomes capable, during prayers, to stand up, he should offer that part of the prayers which he can, while standing. But as long as his body is not still, he should not utter any of the obligatory Zikr.

984. If a person who can stand, fears that owing to standing, he will become ill, or will be harmed, he can offer prayers in a sitting position and if he fears sitting, he can offer the prayers in a lying posture.

985. * If a person had some hope that at the end of the time for namaz, he will be able to offer prayers standing, he should delay the prayers. If he prayed at the prime time, and then became capable of standing at the end of the time, he should pray again. But if he was totally despaired that he

would be able to pray standing, and after praying in the prime time, he later found himself capable of standing, it will not be obligatory on him to repeat the prayers.

986. It is Mustahab for the person offering prayers to stand erect, slacken down his shoulders, place his hands on his thighs, join his fingers together, look at the place of Sajdah, place the weight of his body equally on two feet, stand in humility, keep both his feet in line. Men offering prayers should keep a distance of three open fingers, or a span between his feet, and women should keep the feet together.

Qir'at (Reciting the Surah Al-Hamd and Other Surah of Holy Qur'an)

987. * In the the daily obligatory prayers, one should recite *Surah al-Hamd* in the first and second Rak'ats, and thereafter one should, on the basis of precaution, recite one complete Surah. The Surah *az Zuha* and Surah *Inshirah* are treated as one Surah in namaz, and so are the *Surah al-Fil* and *Quraysh*.

988. If the time left for namaz is little, or if a person has to helplessly abandon the Surah because of fear that a thief, a beast, or anything else, may do him harm, or if he has an important work, he should not recite the other Surah. In fact, there are situations when he should avoid it, like when the namaz time at his disposal is limited, or when in fear.

989. If a person intentionally recites Surah before *Hamd*, his prayer is void, and if he does it by mistake, and realises this while reciting it, he should abandon the Surah and recite *Hamd* first, and then the Surah.

990. If a person forgets to recite *Hamd* and Surah, or either of them and realises after reaching the Ruku, his prayers are in order.

991. If a person realises before bowing for Ruku, that he has not recited *Hamd* and Surah, he should recite them, and if he realises that he has not recited the Surah, he should recite the Surah only. But, if he realises that he has not recited *Hamd* only, he should recite *Hamd* first and then recite the Surah again.
Moreover, if he bends but before reaching the Ruku realises that he has

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not recited *Hamd* and Surah, or only Surah, or only *Hamd*, he should stand up and act according to the foregoing rules.

992. * If a person intentionally recites one of the four Surahs which contain verses of Wajib Sajdah, in namaz, he will perform an immediate Sajdah upon reciting the verse. And if he does so, as a precaution, his namaz will be void, and he will have to pray again. But if he does not go to Sajdah immediately, and continues to pray, it will be in order, though he will have committed a sin for not going to Sajdah immediately.

993. * If a person begins reciting by mistake, a Surah which has verses of Wajib Sajdah and he realises this before reaching the verse of Sajdah, he should abandon that Surah and recite some other Surah. But if he realises this after reciting the verse of Sajdah, he should act as guided in the above rule (i.e. 992).

994. If during namaz a man listens to the verses making Sajdah obligatory, his prayer are in order, and on the basis of precaution, he should make a sign of Sajdah, and should also offer Sajdah after the prayers.

995. It is not necessary to recite a Surah after Hamd in Mustahab prayers, even if that prayers may have become obligatory due to Nazr. But, as for some Mustahab prayers like wahshat prayers, in which a particular Surah is recommended, if a person wishes to act according to the rules, he should recite the prescribed Surah.

996. While offering Friday prayers, or Zuhr prayers on Friday, it is Mustahab that after reciting *Surah al-Hamd, Surah al-Jumu'ah* should be recited in the first Rak'at, and *Surah al-Munafiqun* in the second Rak'at, and once a person begins reciting one of these Surahs he is not allowed as per obligatory precaution, to abandon it and recite another Surah in its place.

997. * If after *Hamd*, somebody begins reciting the *Surah Qul Huwallah* or *Qul ya ayyuhal Kafirun*, he cannot abandon it and recite some other Surah. However, if in Friday prayers and in Zuhr prayers on Friday, he recites one of these Surahs forgetfully, instead of *Surah Jumu'ah* and *Surah Munafiqun*,

he can abandon it and recite *Surah Jumu'ah* and *Surah Munafiqun*, but the precaution is that he should not abandon that Surah after having read more than half of it.

998. If a person recites intentionally *Surah Qul Huwallah* or *Surah Qul ya ayyuhal Kafirun* in Friday prayers or in Zuhr prayers on Friday, he cannot, as an obligatory precaution, abandon it to recite *Surah Jumu'ah* and *Surah Munafiqun*, even if he may not have reached half of it.

999. * If in namaz, a person recites a Surah other than *Surah Qul Huwallah* and *Surah Qul ya ayyuhal Kafirun* he can abandon that Surah before reaching half of it, and recite some other Surah. But as a precaution, he should not abandon it after having reached half, and it is not permissible to resort to another Surah.

1000. * If the person in namaz forgets a part of a Surah, or cannot complete it owing to helplessness, like very little time of namaz is left, or for some other reason, he can abandon that Surah and recite some other Surah, even if he may have reached half of it. This applies to *Surah Qul Huwallah* or *Surah Qul ya ayyuhal Kafirun* also.

1001. * It is Wajib for a man to recite *Surah al-Hamd* and the other Surah loudly, while offering Fajr, Maghrib and Isha prayers, and it is Wajib for a man and a woman to recite *Surah al-Hamd* and the other Surah silently while offering Zuhr and Asr prayers.

1002. * As a precaution, men must take care to recite loudly every word of *Surah al-Hamd* and the other Surah, including their last letters, in the prayers of Fajr, Maghrib and Isha.

1003. * A woman can recite *Surah al-Hamd* and other Surah in Fajr, Maghrib and Isha prayers loudly or silently. But, if a na-Mahram hears her voice, she should, on the basis of precaution, recite them silently, especially if allowing him to listen is haraam.

1004. * If a person intentionally prays loudly where he should pray silent-

ly, and vice versa, his prayer is void. But, if, he does so owing to forgetfulness, or not knowing the rule, his prayer is in order. And if he realises that he is doing a mistake while reciting the *Surah al-Hamd* and the other Surah, it is not necessary to recite again what he has recited not following the rule.

1005. If a person raises his voice unusually high while reciting *Surah al-Hamd* and Surah, as if he were shouting, his prayer will be void.

1006. * A person should learn Surahs to be recited in namaz, so that he may not recite them incorrectly, and if one cannot by any means learn the whole of *Surah al-Hamd*, he should learn as much of it as he can and recite; but if that is a very small part, then as an obligatory precaution, he should add to it as many verses of Qur'an that he can remember. And if he cannot do that, he should add some *Tasbeeh* to it. But if someone cannot recite *Surah al-Hamd* at all, then there is no necessary replacement for it. The recommended precaution for him is to join Namaz-e-Jamaat.

1007. * If a person does not know *Surah al-Hamd* well, but can learn it, he should do so if the time of namaz permits. And if the time does not permit, he should act as guided in the above rule, and his prayers will be valid. But wherever possible, such a person should join Namaz-e-Jamaat to relieve himself of the responsibility.

1008. * To take wages for teaching obligatory acts of prayers is haraam, as a precaution, and taking wages for teaching Mustahab things is permissible.

1009. * If a person does not know a certain word of *Surah al-Hamd* or Surah, or does not utter it intentionally, or utters one letter for another like, *Za* for *Zad*, or changes the inflections, by giving movements of *Fathah* or *Kasrah* where not needed, or does not render *tashdid* properly, his prayer is void.

1010. If a person has learnt a word which he believes to be correct, and recites it that way in prayers, but comes to know later that he has been reciting it incorrectly, it is not necessary for him to offer the prayers again.

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1011. * If a person does not know whether a particular word is to be read with *Fathah* or *Kasrah*, of if he does not know whether a particular word has a *"seen"* or a*"swad"* in it, he should take pains to learn that. But if he tries to recite in two or more ways, and if the wrong or incorrect recitation is neither from the Qur'an nor any Zikr, his prayers will be void. But if both the recitations are correct, like, reciting the 'S' of*"Siratal"* with *"seen"* and *"swad"* then the prayers will not be affected.

1012. * The Ulama of *Tajweed*, that is, the art of reciting the Qur'an, have outlined several places where*Madd* (prolonging certain letters) is necessary. Wherever a vowel in a word precedes another vowel, say, *'alif'* or *'hamza'*, it has to be prolonged, so that the utterances of each word is clear. But in namaz, its validity does not depend upon following these rules, so if one does not strictly follow them, his namaz will not be void. Except in *Wal-dhaalleen*(the last word of *Surah al-Hamd*) one should exercise certain care to prolong, so that tashdid is properly pronounced.

1013. * The recommended precaution is that while offering prayers, one should not recite the ending word of any Ayat with Waqf if one wishes to join it to the next *Ayat*. Nor should one render it without *waqf* and join. For example, if you recite " *ar Rahmanir Rahimi* and then wait before starting the next, it is not proper. You should continue with no waiting. Similarly, in the same *Ayat*, that is, *ar Rahmanir Rahim*, if you read the last letter *mim* with *sakin*, you should not attach the *mim* to *Maliki Yawmi ddin*.

1014. * In the third and fourth Rak'ats of prayers, one may either read only *Surah al-Hamd orTasbihat Arba'ah - Subhanallahi wal hamdu lillahi wa la ilaha illal lahu wallahu Akbar* which may be said once, although it is better that it should be said three times. It is also permissible to recite *Surah al-Hamd* in one Rak'at, and *Tasbihat Arba'ah* in the other, but it is better to recite *Tasbihat* in both.

1015. * When time for namaz is short, one must recite *Tasbihat Arba'ah* once, and if even that much cannot be recited within time, then he must say only *Subhanallah* once.

1016. * It is obligatory for men and women that in the third and fourth Rak'ats, they should recite *Surah al-Hamd* or *Tasbihat Arba'ah* silently.

1017. * If a person recites *Surah al-Hamd* in the third and fourth Rak'ats, it is not obligatory for him to recite its *Bismilla*silently, except in the case of one who is following in congregational prayers, for whom, as an obligatory precaution, it is necessary that *Bismillah*is recited silently.

1018. A person who cannot learn *Tasbihat Arba'ah*, or cannot pronounce them correctly, should recite *Surah al-Hamd* in the third and fourth Rak'ats.

1019. If a person recites *Tasbihat Arba'ah* in the first two Rak'ats, thinking that they are the last two Rak'ats, and if he realises the error before Ruku, he should recite *Surah al-Hamd* and Surah. But if he realises this during or after the Ruku, his prayer is in order.

1020. If a person recites *Surah al-Hamd* in the last two Rak'ats, thinking that they are the first two Rak'ats, or recites *Surah al-Hamd* in the first two Raka'ts, thinking that they are the last two Rak'ats, his prayer is in order, whether he realises the mistake before or after Ruku.

1021. * If in the third or fourth Rak'at, a person wanted to recite *Surah al-Hamd*, but instead of that,*Tasbihat Arba'ah* came on his tongue, or if he wishes to recite *Tasbihat Arba'ah* but *Surah al-Hamd* comes on his tongue, he should abandon it and recite *Tasbihat Arba'ah* or *Surah al-Hamd* again with the intentions. However, if the recitation which came on his tongue was the one to which he was habituated, then he should complete it and his prayers will be valid.

1022. If a person who has the habit of reciting *Tasbihat Arba'ah* in the third and fourth Rak'ats, ignores his habit and begins reciting Hamd, with the intention of performing his obligation, it will be sufficient, and it will not be not necessary for him to recite *Surah al-Hamd* or *Tasbihat Arba'ah* again.

1023. In the third and fourth Rak'ats, it is Mustahab to seek forgiveness from Allah after *Tasbihat Arba'ah*. That is, one should say, *Astaghfirullaha Rabbi wa*

Atubu Illayhi, or one should say, *Allahummaghfir li*. And before bowing for Ruku, while he is uttering Istighfar or has finished it, if he doubts whether he has read *al-Hamd* or *Tasbihat* or not, he should read either of them.

1024. * If the person doubts while in Ruku of third or fourth Rak'at, whether or not he has recited *Surah al-Hamd* or *Tasbihat Arba'ah*, he should ignore his doubt. Similarly, he should ignore the doubt if it occurs while bowing for Ruku.

1025. If a person doubts whether he has pronounced a verse or a word correctly, like, whether he has uttered *Qul Huwallahu Ahad* correctly or not, he may ignore his doubt. However, if he repeats that verse or word correctly as a precautionary measure, there is no harm in it. And if he doubts often he may repeat as many times. However, if it becomes an obsession, and he still goes on reading it again, as a recommended precaution, he should pray all over again.

1026. It is Mustahab that in the first Rak'at one should say *A'uzubillahi Minash shaytanir Rajim* before reciting *Surah al-Hamd*, and in the first and second Rak'ats of Zuhr and Asr prayers one should say *Bismillah* loudly. It is Mustahab also to recite *Surah al-Hamd* and other Surah distinctly, with a pause at the end of every verse i.e. not joining it with the next verse, and while reciting *Surah al-Hamd* and Surah, one should pay attention to the meanings of each verse. And it is Mustahab to say, *Alhamdulillahi Rabbil 'Alamin* after the completion of *Surah al-Hamd* by the Imam in the congregation, and by himself, if he is praying alone. And after reciting *Surah Qul huwallahu Ahad* he should say, *Kazalikallahu Rabbi*; once, twice or three times or *"Kazalikallahu Rabbuna"* three times. Similarly, it is Mustahab to pause a little after reciting the Surah, then say *Takbir*, before going to Ruku or reciting Qunut.

1027. It is Mustahab that in all the prayers, one should recite *Surah Inna Anzalnahu* in the first Rak'at, and *Surah Qul huwallahu Ahad* in the second Rak'at.

1028. It is Makrooh not to recite *Surah Qul huwallahu Ahad* even in one of the daily prayers.

1029. It is Makrooh to recite the whole of *Surah Qul huwallahu Ahad* in one breath.

1030. It is Makrooh to recite in the second Rak'at the same Surah, which one ha recited in the first Rak'at. However, if one recites *Surah Qul huwallahu Ahad* in both the Rak'ats, it is not Makrooh.

Ruku (Bowing)

1031. * In every Rak'at, a person offering prayers should, after reciting the Surahs (*Qira'at*), bow to an extent that he is able to rest his finger tips on his knees. This act is called Ruku.

1032. * If the person performs Ruku in an unusual manner, like, if he bends towards left or right, his Ruku is not correct even if his hands reach his knees.

1034. Bending should be with the niyyat of Ruku. If a person bends for some other purpose (e.g. to kill an insect), he cannot reckon it as Ruku. He will have to stand up and bend again for Ruku, and in so doing, he will not have added any Rukn, nor will his prayers be void.

1035. If a person has abnormally long hands, so that if he bends a little they reach his knees, or if his knees are lower than usual, so that he has to bend himself lower to make his hands reach his knees, he should follow the normal bowing by the others.

1036. A person who performs Ruku in the sitting position, should bow down till his face is parallel to his knees. And it is better that he should bow down till his face reaches near the place of Sajdah.

1037. It is better that in normal situations one should say in Ruku, *Subhanallah* three times or *Subhana Rabbiyal 'Azimi wa bi hamdih* once. But actually, uttering any Zikr to this extent is sufficient. However, if namaz time is short, or if one is under any pressure, it will be sufficient to say *Subhanallah* once.

1038. The Zikr of Ruku should be uttered in succession, and in correct Arabic, and it is Mustahab that it should be uttered 3, 5 or 7 times or more than that.

1039. * In Ruku, the body should be steady, and one should not purposely move or shake oneself. And as a precaution, one should not have any movement when reciting the obligatory Zikr.

1040. If at the time of uttering the obligatory Zikr of Ruku, he loses steadiness because of uncontrollable vigorous movement, it will be better that after his body resumes steadiness he repeats the Zikr. However, if the movement is so negligible that steadiness is not lost, or if he just moves his fingers, there is no harm in it.

1041. If a person intentionally recites the Zikr of Ruku before he has properly bowed down, and before his body becomes still, his prayers will be void.

1042. * If a person intentionally raises his head from Ruku before completing obligatory Zikr, his prayer is void. If he raises his head by mistake, and if he has not completely ceased to be in Ruku and he recollects that he has not completed the Zikr of Ruku, he should make himself steady and recite the Zikr. And if he recollects after he has arisen totally from Ruku, his prayers are in order.

1043. * If a person is unable to remain in the state of Ruku all the time while reciting the Zikr, then the recommended precaution is that he should complete the remainder while standing up from Ruku.

1044. If a person cannot remain steady during Ruku owing to some disease etc, his prayers are in order. But he should complete the obligatory part of Zikr, as explained, before totally rising from Ruku.

1045. * If a person cannot bow down for Ruku properly, he should lean on something

and perform Ruku. And if he cannot perform Ruku even after he has leaned, he should bow down to the maximum extent he can, so that it could be customarily recognised as a Ruku. And if he cannot bend at all, he should make a sign for Ruku with his head.

1046. If a person supposed to make a sign with his head for Ruku is unable to do so, he should close his eyes with the niyyat of Ruku, and then recite Zikr. And for rising from Ruku, he should open his eyes. And if he is unable to do even that, he should, as a precaution, make a niyyat of Ruku in his mind, and then make a sign of Ruku with his hands and recite Zikr.

1047. If a person cannot perform Ruku while standing, but can bend for it while sitting, he should offer prayers standing and should make a sign with his head for Ruku. And the recommended precaution is that he should offer another prayers in which he would sit down at the time of Ruku, and bow down for it.

1048. * If some one raises his head after reaching Ruku, and bows down twice to the extent of Ruku, his prayer is void.

1049. After the completion of the Zikr of Ruku, one should stand straight, and proceed to Sajdah after the body has become steady. If one goes to Sajdah intentionally before standing erect, or before the body is steady, the prayers are void.

1050. * If a person forgets to perform Ruku, remembering it before Sajdah, he should stand up first, and then go into Ruku. It will not be proper for him to go into Ruku in a bent position.

1051. * If a person offering prayers remembers after his forehead reaches the earth, that he has not performed Ruku, it is necessary that he should return to standing position and then perform Ruku. But, if he remembers this in the second Sajdah, his prayers are void.

1052. It is Mustahab that before going into Ruku, a person should say *Takbir* while he is standing erect, and in Ruku, he should push his knees back, keep his back flat, stretch forth his neck, keep it in line with his back, look between his two feet, say *Salawat* before or after Zikr. And when he rises after Ruku, it is Mustahab to stand erect, and in a state of steadiness say *Sami'allahu liman hamidah*.

1053. It is Mustahab for women that while performing Ruku, they should keep their hands higher than their knees, and should not push back their knees.

Sujood

1054. * A person offering prayers should perform two sajdahs after the Ruku, in each Rak'at of the obligatory as well as Mustahab prayers. Sajdah means that one should place one's forehead on earth in a special manner, with the intention of humility (before Allah).

While performing Sajdahs during prayers, it is obligatory that both the palms and the knees, and both the big toes are placed on the ground.

1055. * Two Sajdahs together are a *"Rukn"* (elemental), and if a person omits to perform two Sajdah in one Rak'at of an obligatory prayers, whether intentionally or owing to forgetfulness, or adds two more Sajdahs, his prayers are void.

1056. If a person omits or adds one Sajdah intentionally, his prayers become void. And if he omits or adds one Sajdah forgetfully, the rules regarding it will be explained later.

1057. * If a person who can keep his forehead on the ground, does not do so whether intentionally or forgetfully, he has not performed Sajdah, even if other parts of his body may have touched the ground. But, if he places his forehead on the earth, but forgets to keep other parts of his body on the ground, or forgets to utter the Zikr, his Sajdah is in order.

1058. * It is better in normal situation to say *Subahanallah* three times, or *Subhana Rabbiy al-A'la wa bi hamdhi* once. And he should utter these words in succession and in correct Arabic. Actually, as an obligatory precaution, uttering any Zikr to this extent is sufficient. And it is Mustahab that *Subhana Rabbiyal A'la wa bi hamdhi* should be said three, five or seven times, or more.

1059. * In the Sajdah, the body should be steady, and one should not move or shake oneself purposely, and as a precaution, one should be totally steady in Sajdah even while one is not engaged in any obligatory Zikr.

1060. If a person intentionally utters the Zikr of Sajdah before his forehead reaches the ground, and his body becomes steady, or if he raises his head from Sajdah intentionally before the Zikr is completed, his prayers are void.

1061. * If a person utters the Zikr of Sajdah by mistake, before his forehead reaches the ground and realises his mistake before he raises his head from Sajdah, he should utter the Zikr again, when his body is steady.

1062. If after raising his head from Sajdah, a person realises that he has done so before the completion of the Zikr of Sajdah, his prayers are in order.

1063. * If at the time of uttering Zikr of Sajdah, a person intentionally lifts one of his seven limbs from the ground, his namaz will be void. But if he lifts the limbs, other than the forehead, when he is not reciting anything, and then places them back again, there will be no harm, unless that movement renders his body unsteady, in which case, namaz will be void.

1064. If a person raises his forehead from the ground by mistake, before the completion of the Zikr of Sajdah, he should not place it on the ground again, he should treat it as one Sajdah. However, if he raises other parts of the body from the ground by mistake, he should place them back on the ground and utter the Zikr.

1065. After the Zikr of the first Sajdah is completed, one should sit till the body is steady, and then perform Sajdah again.

1066. * The place where a person places his forehead for Sajdah should not be higher than four joined fingers, compared to where he places his knees and the tips of the toes. As a matter of obligatory precaution, the place of his forehead should not be more than four joined fingers lower or higher than the place where he stands.

1067. * If a person prays on a sloped ground, whose slant may not be known exactly, and if his forehead goes higher or lower than the place where he keeps his knees and tips of the toes by a span of four joined fingers, his namaz will be a matter of Ishkal.

1068. * If a person places his forehead by mistake, on a thing which is higher than the span of four joined fingers compared to the place where his knees and the toes are, and if it so high that it does not look like a normal Sajdah, he should raise his head and place on a thing which is not as high. And if the height does not change the appearance of the Sajdah, and his attention is drawn to it after completing the obligatory Zikr, he should raise his head and may complete the prayers. But if his attention is drawn to it before the obligatory Zikr, he should gradually push or move his forehead to a lower level, and recite the obligatory Zikr. And if that is not possible, he should recite the obligatory Zikr and complete his prayer. It would not be necessary for him to repeat the prayers.

1069. * It is necessary that there should be nothing between the forehead of the person offering prayers, and the thing on which he offers Sajdah. If the *mohr* (sajdagah) is so dirty that the forehead does not reach the *mohr* itself, the Sajdah is void. But if only the colour of *mohr* has changed, there is no harm.

1070. In Sajdah a person offering prayers should place his two palms on the ground. In a state of helplessness, there will be no harm in placing the back of the hands on the ground, and if even this is not possible, he should, on the basis of precaution, place the wrists of hands on the ground. And if he cannot do even this, he should place any part of the body up to his elbow on the ground, and if even that is not possible it is sufficient to place the arms on the ground.

1071. * In Sajdah, a person should place his two big toes on the ground, but it is not necessary to place the tips of the toes. If he places the outer or the inner parts of the toes, it will be proper. But if he places, instead other smaller toes on the ground, or the outer part of his feet, or if his big toe does not rest on the ground due to very long nails, his namaz will be void. And if a person does not follow this rule due to ignorance or carelessness, he has to pray again.

1072. If a part of the big toe is cut off, one should place the remaining part of it on the ground, and if nothing of it has remained or what has remained

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is too short, he should, on the basis of precaution, place the other toes on the ground, but if he has no toes at all, he should place on the ground whatever part of the foot has remained.

1073. * If a person performs Sajdah in an unusual manner, like if he rests his chest and stomach on the ground, or stretches his feet, his namaz will be correct and valid if it still appears like a normal Sajdah. But if it appears more like sleeping on one's stomach, rather than a Sajdah, his namaz will be void.

1074. The *mohr* (sajdagah) or other thing on which a person performs Sajdah, should be *Pak*. If, he places the *mohr* on a najis carpet, or if one side of the *mohr* is najis, and he places his forehead on its *Pak* part, there is no harm in it.

1075. * If there is a sore or a wound etc. in the forehead of a person, making him unable to rest his forehead on the ground, and if the sore or the wound has not covered the whole of the forehead, he should perform Sajdah with the unaffected part of the forehead. And if it becomes necessary to dig a hole, or a pit so that the part with the sore or the wound stays there, while the healthy part is on the ground, he should do so.

1076. * If the sore or the wound has covered the entire forehead, he should perform Sajdah with other parts of his face. As an obligatory precaution, he should perform Sajdah with his chin, and it that is not possible, with one of the two sides of the forehead. When it is not possible to perform Sajdah with the face in any way, he should perform Sajdah by sign.

1077. * If a person can sit but cannot make his forehead reach the ground, he should bow as much as he can, and should place the *mohr* or any other allowable thing on something high, and place his forehead on it in such a way that it may be said that he has performed Sajdah. But his palms, his knees, and toes should be on the ground as usual.

1078. * If a person cannot find something high on which he may place the *mohr*, or any other allowable thing, and if he cannot find any person who

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would raise the *mohr* etc. for him, then as precaution, he should raise it with his hand and do Sajdah on it.

1079. * If a person cannot perform Sajdah at all, he should make a sign for it with his head, and if he cannot do even that, he should make a sign with his eyes. And if he cannot make a sign even with his eyes he should, on the basis of obligatory precaution, make a sign for Sajdah with his hands etc. and should make a niyyat for Sajdah in his mind, and recite the obligatory Zikr.

1080. * If the forehead of a person is raised involuntarily from the place of Sajdah, he should not, if possible, allow it to reach the place of Sajdah again, and this will be treated as one Sajdah even if he may not have uttered the Zikr of Sajdah. And if he cannot control his head, and it reaches the place of Sajdah again involuntarily, both of

them will be reckoned as one Sajdah, and if he has not uttered the Zikr, as a recommended precaution, he will do so with the niyyat of *Qurbat*.

1081. * At a place where a person has to observe taqayyah (concealing one's faith in dangerous situation) he can perform Sajdah on a carpet, or other similar things, and it is not necessary for him to go elsewhere, or delay the prayers so that he is able to pray freely at that place without taqayyah. But if he finds that he can perform Sajdah on a mat, or any other allowed objects, without any impediment, then he should not perform Sajdah on a carpet or things like it.

1082. If a person performs Sajdah on a mattress filled with feathers, or any other similar thing, his Sajdah will be void if his body cannot remain steady.

1083. If a person is obliged to offer prayers on a muddy ground, and if no hardship will be caused to him if his body and dress become soiled with mud, he should perform Sajdah and tashahhud as usual. If it is going to prove extremely hard for him, he should make a sign for Sajdah with his head while he is standing, and recite tashahhud in the standing position. His prayers will be in order.

1084. * The obligatory precaution is that in the first Rak'at and in the third Rak'at, which do not contain tashahhud (like the third Rak'at in Zuhr, Asr and Isha prayers) one should sit for a while after the second Sajdah before rising.

Things on which Sajdah is Allowed

1085. * Sajdah should be performed on earth, and on those things which are not edible nor worn, and on things which grow from earth (e.g. wood and leaves of trees). It is not permissible to perform Sajdah on things which are used as food or dress (e.g. wheat, barley and cotton etc.), or on things which are not considered to be parts of the earth (e.g. gold, silver, etc.). And in the situation of helplessness, asphalt and tar will have preference over other non-allowable things.

1086. * Sajdah should not be performed on the vine leaves, when they are delicate and hence edible. Otherwise, there is no objection.

1087. It is in order to perform Sajdah on things which grow from the earth, and serve as fodder for animals (e.g. grass, hay etc.).

1088. * It is in order to perform Sajdah on flowers which are not edible, and also on medicinal herbs which grow from the earth.

1089. * Performing Sajdah on a grass which is eaten in some parts of the world, but not in the rest, but it is classified as edible, will not be permissible. Similarly, Sajdah on raw fruits is not allowed.

1090. It is allowed to perform Sajdah on limestone and gypsum, but the recommended precaution is that Sajdah should not be optionally performed on baked gypsum, lime, brick and baked earthenware etc.

1091. * It is in order to perform Sajdah on paper, if it is manufactured from allowed sources like wood or grass, and also if it is made from cotton or flax. But if it is made from silk etc., Sajdah on it will not be permissible.

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1092. *Turbatul Husayn* is the best thing for performing Sajdah. After it, there are earth, stone and grass, in order of priority.

1093. * If a person does not possess anything on which it is allowed to perform Sajdah, or, even if he possesses such a thing, he cannot perform Sajdah on it due to severe heat or cold, he should perform Sajdah on asphalt or tar, and if that is not possible, on his dress or the back of his hand, or on any thing on which it is not permissible to perform Sajdah optionally. However, in such a situation, the recommended precaution is that as long as it is possible to perform Sajdah on his dress he should not do Sajdah on any other thing.

1094. The Sajdah performed on mud, and on soft clay on which one's forehead cannot rest steadily, is void.

1095. If the *mohr* sticks to the forehead in the first Sajdah, it should be removed from the forehead for the second Sajdah.

1096. * If a thing on which a person performs Sajdah gets lost while he is offering prayers, and he does not possess any other thing on which Sajdah is allowed, he can act as explained in rule 1093, irrespective of whether the time for Namaz is limited or ample.

1097. * If a person realises in the state of Sajdah that he has placed his forehead on a thing on which Sajdah is void, and if he becomes aware of it after completing the obligatory Zikr, he can raise his head and continue with his prayers. But if he becomes aware of it before reciting the obligatory Zikr, he should gradually slide or move his head onto an allowed object, and recite the Zikr. But if that is not possible, he should recite the obligatory Zikr and continue with his namaz. His prayers in both cases will be valid.

1098. * If a person realises after Sajdah, that he had placed his forehead on a thing which is not permissible for Sajdah, there is no objection.

1099. It is haraam to perform Sajdah for anyone other than Almighty Allah. Some people place their foreheads on earth before the graves of the holy Imams. If this is done to thank Allah, there is no harm in it, but otherwise it is haraam.

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The Mustahab and Makrooh Things in Sajdah

1100. Certain things are Mustahab in Sajdah:

- It is Mustahab to say *Takbir* before going to Sajdah. A person who prays standing, will do so after having stood up from Ruku, and a person who prays sitting will do so after having sat properly.
- While going into Sajdah, a man should first place his hands on the ground, and woman should first place her knees on the ground.
- The person offering prayers should place his nose on a mohr, or on any other thing on which Sajdah is allowed.
- While performing Sajdah, fingers should be kept close to each other, parallel to the ears, with their tips towards Qibla.
- While in Sajdah one should pray to Allah, and express his wishes, and should recite this supplication: *Ya Khayral Mas'ulin wa Ya Khayral Mu'tin, Urzuqni warzuq 'Ayali Min Fazlika Fa Innaka Zulfazlil 'Azim* - O You Who are the best from whom people seek their needs, and O You, Who are the best bestower of gifts! Give me and the members of my family sustenance with Your grace. Undoubtedly You possess the greatest grace).
- After performing Sajdah, one should sit on his left thigh, placing the instep of the right foot on the sole of the left foot.
- After every Sajdah, when a person has sat down and his body is composed, one should say *takbir.*
- When his body is steady after the first Sajdah, he should say:" *Astaghfirullaha Rabbi wa Atubu Ilayhi*.
- He should say Allahu Akbar for going into second Sajdah, when his body is steady.
- It is Mustahab to prolong the Sajdah, and when sitting after the Sajdah, to place one's hands on the thighs.
- He should recite *Salawat* while in prostrations.
- At the time of rising, he should raise his hands from the ground, after raising his knees.
- Men should not make their elbows and stomach touch the ground; they should keep their arms separated from their sides. And women should place their elbows and stomachs on the ground, and should join their limbs with one another.

Other Mustahab acts of Sajdah have been mentioned in detailed books

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1101. * It is Makrooh to recite the holy Qur'an in Sajdah. It is also Makrooh to blow off the dust from the place of Sajdah, and if, by so doing, one utters anything intentionally, the prayers will be, as a precaution, void. Besides these, there are other Makrooh acts, which are given in detailed books.

Obligatory Sajdahs in the Holy Qur'an

1102. Upon reciting or hearing any of the following verses of the holy Qur'an, the performance of Sajdah becomes obligatory:
- Surah as-Sajdah, 32:15
- Surah Ha Mim Sajdah, 41:38
- Surah an-Najm, 53:62
- Surah al-'Alaq, 96:19

Whenever a person recites the verse or hears it when recited by someone else, he should perform Sajdah immediately when the verse ends, and if he forgets to perform it, he should do it as and when he remembers. If one hears the verse without any

expectation, in an involuntary situation, the Sajdah is not obligatory, though it is better to perform it.

1103. * If a person hears the Sajdah verse, and recites it himself also, he should perform two Sajdahs.

1104. If a person hears a verse of Sajdah, while he is in Sajdah other than that of namaz, or recites it himself, he should raise his head from that Sajdah, and perform another one.

1105. * If a person hears the verse of obligatory Sajdah from a person who is asleep, or one who is insane, or from a child who knows nothing of the Qur'an, it will be obligatory upon him to perform Sajdah. But if he hears from a gramophone or a tape recorder, Sajdah will not be obligatory. Similarly, the Sajdah will not be Wajib if he listens to a taped recitation from radio. But if there is a person reciting from the radio station, and he recites the verse of Sajdah, it will be obligatory to perform Sajdah.

1106. * As an obligatory precaution, the place where a person performs an obligatory Sajdah upon hearing the verse, should not be a usurped one, and,

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as a recommended precaution, the place where he places his forehead, should not be higher or lower than a span of four joined fingers than the place where his knees and tips of the toes rest. However, it is not necessary to be in Wudhu or Ghusl, or to face Qibla, nor is it necessary to conceal one's private parts or to ensure that the body and the place where he has to place his forehead are *Pak*. Moreover, the conditions for dress in namaz do not apply to the performance of these obligatory Sajdah.

1107. * The obligatory precaution is that in the obligatory Sajdah caused by the Qur'anic verse, a person should place his forehead on a *mohr*, or any other thing on which Sajdah is allowed, and also one should keep other parts of one's body on the ground, as required in a Sajdah of prayers.

1108. When a person performs the obligatory Sajdah upon hearing the relevant verse, it will be sufficient even if he does not recite any Zikr. However, it is Mustahab to recite Zikr, preferably the following: *La ilaha illal lahu haqqan haqqa; La ilaha illal lahu imanan wa tasdiqa; la ilaha illal lahu 'ubudiyyatan wa riqqa; Sajadtu laka ya Rabbi ta'abbudan wa riqqa la mustankifan wa la mustak biran bal ana 'abdun zalilun za'ifun kha'ifun mustajir*.

Tashahhud

1109. * In the second unit of all obligatory prayers, and in the third unit of Maghrib prayers and in the fourth unit of Zuhr, Asr and Isha prayers, one should sit after the second prostration with a tranquil body, and recite *tashahhud* thus:*"Ash hadu an la ilaha illal lahu wahdahu la sharika lah, wa ash hadu anna Muhammadan 'Abduhu wa Rasuluh, Alla humma salli 'ala Muhammadin wa Ali Muhammad"* And it will be sufficient if one recited the tashahhud this way: *Ash hadu an la ilaha illal lahu was ash hadu anna Muhammadan Sallal lahu Alayhi Wa Aalihi Abduhu Wa rasuluh*.
It is also necessary to recite tashahhud while offering Witr (in Namaz-e-Shab)

prayers.

1110. The words of tashahhud should be recited in correct Arabic, and in usual succession.

1111. * If a person forgets tashahhud, and rises and remembers before

Ruku, he should sit down to recite it, and then stand up again. He will then continue with his prayers. After the prayers, it is a recommended precaution that he should perform two Sajda-e-Sahv for the additional standing. But if he remembers this in Ruku or thereafter, he should complete the prayers and after the *salam* of prayers, should, as a recommended precaution, perform the qadha of tashahhud. He should perform two sajdatus sahv for the forgotten tashahhud.

1112. It is Mustahab to sit on the left thigh during tashahhud, and to place the upper part of the right foot on the sole of the left foot and to say: *'Al-hamdu lillah'* or *'Bismillahi wa billahi wal-hamdu lillahi wa khayrul asma'i lillah'* before reciting *tashahhud*.
It is also Mustahab to place one's hands on one's thighs, with joined fingers, and to look at one's laps, and to say this after tashahhud and salawat: *Wa taqabbal shafa'atahu warfa' darajatahu.*

1113. It is Mustahab for women to keep their thighs close to each other when reciting tashahhud.

Salam in the Prayers

1114. While a person sits after reciting tashahhud in the last Rak'at, and his body is tranquil, it is Mustahab to say: *Assalamu 'alayka ayyuhan Nabiyyu wa rahmatullahi wa barakatuh*. Then he should say: *Assalamu Alaykum* and as a recommended precaution add to it *Wa Rahmatullahi Wa Barakatuh*. Alternatively, he can say: *Assalamu Alayna Wa Ala Ibadi llahis Salihin*. But if he recites this Salam, then as per obligatory precaution, he must follow it up with saying: *Assalamu Alaykum*.

1115. If a person forgets the salam of prayers, and remembers when the form of namaz has not be disrupted, nor has he performed any act, which if done intentionally or forgetfully, invalidates the prayers (e.g. turning away from Qibla), he should recite the salam and his prayers will be valid.

1116. * If a person forgets the salam of prayers, and remembers after the form of prayers has been disrupted, or after he has performed an act which

if done intentionally or forgetfully, invalidates the prayers (e.g. turning away from Qibla), his prayers are in order.

Tartib (Sequence)

1117. If a person intentionally changes the sequence of the prayers, for example, if he

recites the other surah before reciting *Surah al-Hamd*, or performs the two Sajdah before Ruku, his prayers are void.

1118. * If a person forgets a *rukn* (elemental part) of the prayers, and performs the next *rukn*, like, before performing Ruku if he performs the two Sajdah, his prayers would become void, as a measure of precaution.

1119. If a person forgets a rukn, and performs an act after it which is not a rukn, like, if he recites tashahhud without performing the two Sajdah, he should perform the rukn and should recite again the part which he performed erroneously, earlier than the *rukn*.

1120. If a person forgets a thing which is not a rukn, and performs a rukn which comes after it, like, if he forgets *Surah al-Hamd* and begins performing Ruku, his prayers is in order.

1121. If a person forgets an act which is not a rukn, and performs the next act which too, is not a rukn, like, if he forgets *Surah al-Hamd* and recites the other Surah, he should perform what he has forgotten, and then recite again the thing which he mistakenly recited earlier.

1122. If a person performs the first Sajdah thinking that it is the second one, or performs the second one under the impression that it is the first Sajdah, his prayer is in order; his first Sajdah will be treated as the first one, and his second Sajdah will be treated as the second one.

Muwalat (Maintenance of Succession)

1123. A person should maintain continuity during prayers, that is he should perform various acts of prayers, like, Ruku, two Sajdah and tashahhud, in continuous succession, and he should recite the Zikr etc. also in usual succession. If he allows an undue interval between differ-

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ent acts, till it becomes difficult to visualise that he is praying, his prayers will be void.

1124. If a person in namaz forgetfully allows a gap between letters, or words, and if the gap is not big enough so that the form of the prayers is disrupted, he should repeat those letters or words in the usual manner, provided that he has not proceeded to the ensuing rukn. And he will repeat those lines which were read in continuation. But if he has already got into the ensuing rukn, then his prayers are in order.

1125. * Prolonging Ruku and Sajdah, or reciting long Surahs, does not break Muwalat.

Qunut

1126. It is Mustahab that qunut be recited in all obligatory and Mustahab prayers before the Ruku of the second Rak'at, and it is also Mustahab that qunut be recited in the *Witr* (Namaz-e-Shab) prayers before Ruku, (although that prayer is of one Rak'at

only).
In Friday Prayers there is one qunut in every Rak'at. In *Namaz-e-Ayaat*, there are five qunut, and in Eid Prayers there are five qunut in the first Rak'at, and four in the second Rak'at. In the prayers of *Shafa*' ,which is a part of *Namaz-e-Shab*, qunut is to be performed with the niyyat of *Raja'*.

1127. It is also Mustahab that while reciting qunut, a person keeps his hands in front of his face, turning the palms facing the sky, and keeping both, the hands and the fingers, close together. It is Mustahab to look at the palms in qunut.

1128. Any Zikr in qunut is sufficient, even if he says, *'Subhanallah'* only once. It is, however, better to make the following supplication: *La ilaha illallahul Halimul Karim, La ilaha illallahul 'Aliyyul 'Azim, Subhanallahi Rabbis samawatis sab', wa Rabbil 'arazinas sab', wama fi hinna wama bayna hunna, wa Rabbil 'arshil 'azim, wal hamdu lillahi Rabbil'alamin*.

1129. It is Mustahab that qunut is recited loudly. However, if a person is offering prayers in congregation, and if the Imam can hear his voice, it will

not be Mustahab for him to recite qunut loudly.

1130. If a person does not recite qunut intentionally, there is no qadha for it. And if he forgets it, and remembers before reaching Ruku, it is Mustahab that he should stand up and recite it. And if he remembers while performing Ruku, it is Mustahab that he should perform its qadha after Ruku. And if he remembers it while performing Sajdah, it is Mustahab that he should perform its qadha after Salam.

TRANSLATION OF PRAYERS

I. Translation of Surah al-Hamd

Bismillahir Rahmanir Rahim
(I commence with the Name of Allah - in Whom all excellences are combined and Who is free from all defects. The Compassionate - One Whose blessings are extensive and unlimited. The Merciful - One Whose blessings are inherent and eternal).
Alhamdu lillahi Rabbil 'alamin
(Special Praise be to Allah, the Sustainer of the creation).
Arrahmanir Rahim
(The Compassionate, the Merciful).
Maliki yaw middin
(Lord of the Day of Judgement).
Iyyaka na'budu wa iyyaka nasta'in
(You alone we worship, and to You alone we pray for help).
Ihdinas siratal mustaqim
(Guide us to the straight path).
Siratal lazina an'amta 'alayhim
(The path of those whom You have favoured - the Prophets and their successors).

Ghayril maghzubi 'alayhim walazzallin.
(Not of those who have incurred Your wrath, nor of those who have gone astray).

II. Translation of Surah al-Ikhlas
Bismillahir Rahmanir Rahim
(I commence with the Name of Allah - in Whom all excellences are combined and Who is free from all defects. The Compassionate - One Whose blessings are extensive and unlimited. The Merciful - One Whose blessings are inherent and eternal).
Qul huwallahu Ahad
(O Prophet!) Say: Allah is One - the Eternal Being).
Allahus Samad
(Allah is He Who is independent of all beings).
Lam yalid walam yulad
(He begot none, nor was He begotten).
Walam yakullahu kufuwan ahad.
(And none in the creation is equal to Him).

III. Translation of the Zikr During Ruku and Sajdah, and of those which are Mustahab
Subhana Rabbi yal 'Azimi wa bihamdhi
(Glory be to my High Sustainer and I praise Him)
Subhana Rabbi yal A'la wa bihamdih
(Glory be to my Great Sustainer, Most High, and I praise Him)
Sami' Allahu liman hamidah
(Allah hears and accepts the praise of one who praises)
Astaghfirullaha Rabbi wa atubu ilayh
(I seek forgiveness from Allah Who is my Sustainer, and I turn to Him).
Bi haw lillahi wa quwwatihi aqumu wa aqu'd
(I stand and sit with the help and strength of Allah).

IV. Translation of Qunut
La ilaha illallahul Halimul Karim
(There is none worth worshipping but Allah Who is Forbearing and Generous).
La ilaha illallahul 'Aliyyul 'Azim
(There is none worth worshipping but Allah Who is Eminent and Great).
Subhanallahi Rabbis samawatis sab' wa Rabbil arazinas sab'
(Glory be to Allah, Who is the Sustainer of the seven heavens and of the seven earth).

Wama fi hinna wama bayna hunna, wa Rabbil 'arshil 'azim
(And Who is the Sustainer of all the things in them, and between them, and Who is the Lord of the great 'Arsh (Divine Power).
Wal hamdu lillahi Rabbil Aalamin
(And all praise for Allah, the Sustainer of the worlds).

V. Translation of Tasbihat Arba'ah
Subhanallahi wal hamdu lillahi wa la ilaha lallahu wallahu Akbar.

(Glory be to Allah, and all praise is for Him and there is no one worth worshipping other than Allah, and He is Greater than any description).

VI. Translation of Tashahhud and Salam
Al Hamdu lillah, Ash hadu an la ilaha illal lahu wahdahu la sharika lah
(All praise is for Allah, and I testify that there is none worth worshipping except the Almighty Allah, Who is One and has no partner).
Wa Ashhadu anna Muhammadan 'abduhu wa Rasuluh
(And I testify that Muhammad is His servant and messenger).
Alla humma salli 'ala Muhammadin wa Ali Muhammad.
(O Allah! Send Your blessings on Muhammad and his progeny).
Wa taqqabal shafa'atahu warfa' darajatahu
(And accept his intercession, and raise his rank).
Assalamu 'alayka ayyuhan Nabiyyu wa rahmatullahi wa barakatuh
(O Prophet! Allah's peace, blessings and grace be upon you!).
Assalamu 'alayna wa 'ala 'ibadil lahis salihin
(Allah's peace be on us, those offering prayers - and upon all pious servants of Allah).
Assalamu 'alaykum wa rahmatullahi wa barakatuh.
(Allah's peace, blessings and grace be on you believers!)

Ta'qib (Duas after Prayers)
1131. It is Mustahab that after offering the prayers, one should engage oneself in reciting Duas, and reading from the holy Qur'an. It is better that before he leaves his place, and before his Wudhu, or Ghusl or tayammum becomes void, he should recite Duas facing Qibla.
It is not necessary that Duas be recited in Arabic, but it is better to recite those supplications, which have been given in the books of Duas. The tasbih of Hazrat Fatima-tuz-zahra (peace be on her) is one of those acts which have

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been emphasised. This *tasbih* should be recited in the following order:
- *Allahu Akbar* - 34 times
- *Alhamdulillah* - 33 times
- *Subhanallah* - 33 times

Subhanallah can be recited earlier than *Alhamdulillah*, but it is better to maintain the said order.

1132. It is Mustahab that after the prayers a person performs a Sajdah of thanksgiving, and it will be sufficient if one placed his forehead on the ground with that intention. However, it is better that he should say *Shukran lillah* or *Al'afv* 100 times, or three times, or even once. It is also Mustahab that whenever a person is blessed with His bounties, or when the adversities are averted, he should go to Sajdah for *Shukr*, that is, thanksgiving.

Salawat on the Holy Prophet
1133. It is Mustahab that whenever a person hears or utters the sacred name of the holy Prophet of Islam like, Muhammad or Ahmad, or his title like, Mustafa or his patronymic appellation like Abul Qasim, he should say, " *Allahumma salli 'ala Muhammadin wa Ali Muhammad"* even if that happens during the namaz.

1134. It is Mustahab that after writing the sacred name of the holy Prophet, Salawat also be written with it. And it is better that whenever his name is mentioned, Salawat be sent on him.

Things which Invalidate Prayers

1135. Twelve things make prayers void, and they are called *mubtilat*.

First:- If any of the pre-requisites of prayers ceases to exist while one is in namaz, like, if he comes to know that the dress with which he has covered himself is a usurped one.

* **Second**:- If a person, intentionally or by mistake, or uncontrollably, commits an act which makes his Wudhu or Ghusl void, like, when urine comes out, even if it is discharged forgetfully, or involuntarily, after the last Sajdah of the prayers. But if a person is incontinent, unable to control urine or excretion, his prayers will not be void if he acts according to the rules explained early in the Chapter of Wudhu. Similarly, if a woman sees blood of Istihaza during prayers, her namaz is not invalidated if she has acted according to the rules of Istihaza.

1136. * If a person sleeps involuntarily, not knowing whether he slept during namaz or afterwards, it will not be necessary for him to repeat the prayers, provided he knows that he has not performed anything less than the usual namaz.

1137. * If a person knows that he slept voluntarily, but doubts whether he slept after or during the prayers, or if he forgot during the prayers that he was praying and fell asleep, his prayers will be valid if the provision stated above is fulfilled.

1138. If a person wakes up in Sajdah, and doubts whether he is in the Sajdah of the namaz or in the Sajdah for *Shukr*, he should pray again if he slept involuntarily. But if he slept intentionally, and feels that he probably slept during the Sajdah of namaz due to carelessness, his prayers are valid.

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* **Third**:- If a person folds his hands as a mark of humility and reverence, his prayers will be void, but this is based on precautionary rule. However, there is no doubt about it being haraam, if it is done believing that it is ordained by Shariah.

1139. There is no harm if a person places one hand on another forgetfully, or due to helplessness, or *taqayyah*, or for some other purposes, like, scratching.

* **Fourth**:- The fourth thing which invalidates prayers is to say *'Amin'* after *Surah al-Hamd*. This rule, when applied to one praying individually, is based on *Ihtiyat*, but if someone utters it believing that it has been ordained by Shariah, it is haraam. There is no harm if someone utters it erroneously or under taqayya.

* **Fifth**:- The fifth thing which invalidates prayers is to turn away from Qibla without

any excuse. But if there is an excuse, like, forgetting or an external force, like a strong wind blowing, which turns him away from Qibla, his namaz will be valid if he has not deviated towards his right or his left. But it is necessary that he returns to the direction of Qibla as soon as the excuse disappears. And if he turned away towards right or left side - regardless of whether his back is towards Qibla or not - due to forgetting, he should pray again towards Qibla as soon as he remembers, if there is time left even for one Rak'at. But if there is no time for even one Rak'at at his disposal, then he should continue with the same namaz towards Qibla, and he will not have to give any qadha for that. Similar rule applies to the one who has deviated because of the external force.

1140. * If a person turns his head away from Qibla while his body remains facing Qibla, and if with that turning of the head, he is able to see behind partly, he will be considered to have deviated from Qibla, and he will follow the rule explained above. But if the turning of head is so minimal that it can be said that his front part of the body is towards Qibla, then his prayers will be valid, though it is Makrooh to do such thing.

* **Sixth**:- The sixth thing which invalidates prayers is to talk, even by

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uttering a single word consisting of one, single letter which has a meaning or denotes something. For example, one letter *Qi* in Arabic means *"protect yourself*. Or if someone asked a person who is praying, as to which is the second letter of Arabic alphabet, and he said simply *"Ba"*. But if the utterance is meaningless, then, if it constitutes two or more letters, his prayers will be void, based on precaution.

1141. * If a person forgetfully utters a word consisting of one or more letters, and that word may carry some meaning, his prayers does not become void, but as a precaution, it is necessary that after the prayers, he should perform *Sajdatus Sahv*, as will be explained later.

1142. * There is no harm in coughing, belching during the prayers, and as an obligatory precaution, he should not intentionally heave a sigh. If someone utters 'Oh' or 'Ah' purposely, his namaz will be void.

1143. * If a person utters a word with the object of Zikr, like, if he says *'Allahu Akbar'*, and raises his voice to indicate something, there is no harm in it. In fact, there is no harm if he utters Zikr with the knowledge that it will convey something to one who hears it. But if there is no intention of Zikr, or if it is done with dual purpose, then there is Ishkal.

1144. * There is no harm in reciting the Qur'an, except the four verses, which make Sajdah obligatory, and which have been mentioned in the rules relating to *Qira't* (rule no. 992) and in reciting Duas during the prayers. However, the recommended precaution is that one should not read Duas in any language other than *Arabic*.

1145. If a person intentionally repeats parts of *Surah al-Hamd* and other *Surah*, and the Zikr of prayers, without intending them to be a part of the namaz, or as a matter of

some precaution, there is no harm in it.

1146. * A person offering prayers should not greet anyone with Salam, and if another person says Salam to him, he should use the same words in reply without adding anything to it. For example, if someone says *Salamun alaykum*, he should also say *Salamun 'alaykum* in reply, without adding Wa

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rahmatullahi wa barakatuh. As an obligatory precaution, he should not utter *'Alaykum'* or *'Alayka'* before the word *Salamun* if the one who greeted him did not say so. In fact, the recommended precaution is that the reciprocation must fully conform with the way Salam was initiated. So if he said: *Salamun alaykum*, the reply should be *Salamun alaykum*, and if he said: *As-Salamu alaykum*, then the reply should be the same. Similarly, the reply to *Salamum alayka* will be *Salamun alayka*. But if someone initiated Salam saying *Alaykumus Salam*, then the answer can be given in any of the phrases.

1147. It is necessary that the reply to Salam is given at once, irrespective of whether one is praying or not. And if, whether intentionally or due to forgetfulness, he delays reply to the Salam, so much that if he gives a reply after the delay, it may not be reckoned to be a reply to that Salam, then he should not reply if he is in namaz. And if he is not in namaz it is not obligatory for him to reply.

1148. * A person should reply to a Salam in a way that one who greets him can hear it. However, if he who says salam is deaf, or passes away quickly, then it is necessary to make reciprocation by sign etc., if that would be understood. If that is not possible, then it is not obligatory to respond when one is not praying. And if one is praying, it is not permissible.

1149. * It is obligatory that a person who is in namaz, responds to Salam with the intention of greeting. But if he responds with the intention of prayers or blessing, meaning *May Allah bless You*, there is no harm.

1150. * If a woman or a Na-Mehram or a discerning child, that is, one who can distinguish between good and evil, says Salam to a person in namaz, the person should respond. However, in reply to the Salam by a woman who says *Salamun alayka*, the person offering prayers can say *Salamun alayki*, giving *Kasrah* to *Kaf* at the end.

1151. * If a person in namaz does not respond to Salam, his prayers are in order, though he will have committed a sin.

1152. * If a person says Salam to a person in namaz in a mistaken way,

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such that it cannot be treated as a Salam, it is not permissible to reply to it.

1153. It is not obligatory to give reply to the Salam said in jest, or the Salam of a non-

Muslim man or woman who is not a *Zimmi* (an infidel living under the protection of an Islamic Government). And if he/she is a *zimmi*, it is sufficient, on the basis of obligatory precaution, to answer saying *'alayka'* only.

1154. If a person says Salam to a group of people, it is obligatory for all of them to give a reply. However, if one of them replies, it is sufficient.

1155. If a person says Salam to a group of people, but a person for whom it was not intended gives a reply, it will still be obligatory upon the group to reply.

1156. If a person says Salam to a group among whom one was in namaz, and that person doubts whether Salam was intended for him or not, it will not be necessary for him to give a reply. And if the person offering prayers is sure that he was also intended by the one who greeted, but some one else has made a response, he does not have to reply. But if he is sure that he was among the group for whom Salam was intended, and no one has replied, then he should reply.

1157. It is Mustahab to greet with Salam, and it has been emphatically enjoined that a person who is riding should greet one who is walking, and a person who is standing should greet one who is sitting, and a younger person should greet an elder.

1158. If two persons simultaneously say Salam to each other, each one of them should, on the basis of obligatory precaution, reply the Salam of the other.

1159. When a person is not in namaz, it is Mustahab that his response to the Salam should be more expansive. For example, when one says *salamun alaykum*, the other should say *salamun alaykum wa rahmatullah* in reply.

* **Seventh**:- The seventh thing which makes namaz void is an intentional

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loud laugh. And if the laugh is uncontrollable, or involuntary, if what prompted it in the first place was intentional, or for that matter, inadvertant, the namaz will be void. But if one laughs loudly unintentionally, or if he purposely laughs without emitting any voice, there is no harm.

1160. * If in order to control his laughter, the condition of the person in namaz changes, like, if the colour of his face turns red, he should, as an obligatory precaution, pray again.

* **Eight**:- As an obligatory precaution, if one intentionally weeps, silently or loudly, over some worldly matters, his namaz will be void. But, if he weeps silently or loudly due to fear of Allah, or for the Hereafter, there is no harm in it. In fact, it is among the best acts.

* **Ninth**:- Any act which changes the form of namaz like, clapping or jumping, invalidates the namaz, regardless of whether that act is done intentionally or forgetfully. However, there is no harm in actions which do not change the form of namaz, like, making a brief sign with one's hand.

1161. If a person remains silent during namaz for so long, that it may not be said that he is offering prayers, his namaz is invalidated.

1162. * If a person performs an extraneous act during namaz, or maintains prolonged silence, and then doubts whether his prayers has been thereby invalidated, he should repeat the namaz, but the better way of doing it is to first complete the namaz, and then repeat it.

Tenth:- Eating or drinking. If a person offering prayers eats or drinks in such a manner that people would not say that he was in namaz, his prayers would be void, regardless of whether he does it intentionally or forgetfully. However, if a person who wants to keep a fast is offering a Mustahab namaz before the Adhan of Fajr, and being thirsty, fears that by the time he completes the prayers it will be Fajr, he can drink water during that Mustahab prayers, provided water is not more than two to three steps away from him, and he should be careful not to commit acts which invalidate namaz, like turning his face away from Qibla.

1163. * Even if the intentional eating or drinking does not change the form of namaz, as an obligatory precaution, he should repeat the namaz, regardless of whether *Muwalat* is maintained or not by eating and drinking.

1164. * If a person in namaz swallows the food which has remained around his teeth, his prayers are not invalidated. Similarly, if things like grains of sugar remain in the mouth and they melt slowly and go down the throat, there is no harm in it.

Eleventh:- Any doubt concerning the number of Rak'ats in those prayers which consist of two or three Rak'ats, will render the namaz void. Also, if one doubts about the number of the first two Rak'ats, of namaz having four Rak'ats, (like, Zuhr, Asr and Isha), his namaz will be void if he continues to be in doubt.

* **Twelfth**:- If a person omits or adds the Rukn (elemental parts) of the namaz, either intentionally or forgetfully, his namaz is void. Similarly, if he does an extra Rukn forgetfully, like adding a Ruku or two Sajdah in one Rak'at, his namaz, as an obligatory precaution, will be void. And if one omits purposely acts which are not Rukn, or makes an addition, namaz will be void. But if one forgetfully adds one more *Takbiratul Ihram*, namaz will not be void.

1165. If a person doubts after the namaz, whether or not he performed any such act which invalidated the prayers, his namaz will be in order.

Things which are Makrooh in Prayers

1166. It is Makrooh that a person in namaz slightly turns his face towards right or left, an angle which would not be construed as deviation from Qibla, otherwise namaz will be void, as explained earlier. It is also Makrooh during prayers to shut the eyes or turn towards right or left, and to play with one's beard and hands, and to cross the fingers of one hand into those of another, and to spit. It is also Makrooh to look at the writing of the holy Qur'an, or some other books or a ring. It is also Makrooh to become silent

while reciting *Surah al-Hamd*, or any other Surah, or Zikr, so as to listen to some conversation. And in fact, every such act which disturbs attention and humility is Makrooh.

1167. It is Makrooh for a person to offer prayers when he is feeling drowsy, or when he restrains his urge for urinating or defecation. Similarly, it is Makrooh to offer prayers with tight socks which press the feet. There are other things also which are Makrooh in namaz. They are mentioned in detailed books on the subject.

Occasions when Obligatory Prayers can be Broken

1168. * It is haraam, as an obligatory precaution, to break obligatory prayers purposely. But if one has to break in order to protect property, or to escape from financial or physical harm, there is no objection. In fact, he can break it for any worldly or religious purpose which is crucially important for him.

1169. If it is not possible for a person to protect, without breaking the prayers, his own life, or the life of a person whose protection is obligatory upon him, or to protect a property the protection of which is obligatory on him, he should break the prayers.

1170. If a creditor demands payment from a person who is praying, and if there is ample time for namaz, he should pay him while praying, if that is possible. But if it is not possible to pay him without breaking the namaz, then he should break the namaz, pay the creditor and then pray.

1171. If a person learns during his prayers that the mosque is najis, and if time is short, he should complete the prayers. And if there is sufficient time, and making the mosque *Pak* does not change the form of prayers, he should make it *Pak* while praying, and then continue with the remaining part of the prayers. And if making the mosque *Pak* in that state changes the form of the prayers, breaking of prayers is permissible if making it *Pak* is possible after prayers; but if it is not possible, he should break the prayers, make the mosque *Pak*, and then offer prayers.

1172. In a situation where one must break namaz, if he goes on and completes it, his namaz is in order, though he will have committed a sin. However, the recommended precaution is that he should offer the namaz again.

1173. * If a person offering prayers remembers before Qir'at, or before going to Ruku, that he has forgotten to say Adhan and Iqamah, and if he has sufficient time at his disposal, it is Mustahab that he should break the prayers and recite Adhan and Iqamah. In fact, if he remembers having missed them out before ending the namaz, if is Mustahab to break the namaz and pronounce them.

*** Doubts in the Prayers**

There are 22 kinds of doubts which one can have while praying. Out of these, 7 doubts are those which invalidate the prayers, and 6 are those which should be ignored. And the remaining 9 doubts are valid doubts.

Doubts Which Make Prayers Void

1174. * The following doubts make prayers void:

- Doubts about the number of Rak'ats occurring in obligatory prayers which consist of 2 Rak'ats, like, Fajr prayers, or prayers offered by a traveller. However, doubt about number of Rak'ats in Mustahab prayers or namaz of *Ihteyat* does not make the prayers void.
- Doubts about the number of Rak'ats occurring in prayers consisting of 3 Rak'ats, that is, Maghrib prayers.
- Doubt occurring in prayers of 4 Rak'ats as to whether one has performed one Rak'at or more.
- Doubt in prayers of 4 Rak'ats before going to the second Sajdah, as to whether he has performed 2 Rak'ats or more.
- Doubts between 2 and 5 Rak'ats or between 2 and more than 5 Rak'ats.
- Doubts between 3 and 6 Rak'ats or between 3 and more than 6 Rak'ats.
- Doubt between 4 and 6 Rak'ats or between 4 and more than 6 Rak'ats, with the details which will come later.

1175. If a person has one of those doubts which makes prayers void, it is better for him to break the prayers if the doubt persists. In fact, he should prolong thinking about it so that the form of namaz changes, or till he loses all hope to ascertain the situation.

Doubts Which May Be Ignored

1176. The following doubts should be ignored:

- Doubt about an act whose time of performance has already passed, like, during Ruku a person doubts as to whether he did or did not recite *Surah al-Hamd*,
- Doubt occurring after the Salam of prayers,
- Doubt after the time of prayers has already passed,
- Doubt of a person, who doubts too much,
- Doubt by the Imam (one who leads the congregation prayers) about the number of Rak'ats when the ma'mum (follower) is aware of the number, and similarly the doubts of the ma'mum when the Imam knows the number of Rak'ats.
- Doubt which occurs in Mustahab prayers and Namaz of *Ihteyat*

I. Doubts About an Act Whose Time of Performance has Passed

1177. * If a person doubts while offering prayers as to whether or not he has performed a particular obligatory act, like, if he doubts whether or not he has recited *Surah al-Hamd*, and if he has engaged himself in the next act, which he would not have intentionally performed in a normal circumstance, like reading the next Surah, he should ignore the doubt. But in a situation other than this, he should perform the act about which he doubts.

1178. If a person doubts while reciting a verse, whether or not he has recited the preceding verse, or doubts while reciting the end part of a verse, whether or not he has recited its beginning, he should ignore his doubt.

1179. If a person doubts after Ruku or Sajdah, whether or not he has performed its obligatory parts, like Zikr and steadiness of the body, he should ignore his doubt.

1180. * If, while going into Sajdah, a person doubts whether or not he has performed Ruku, or if he doubts whether he stood up after Ruku or not, he should ignore the doubt.

1181. * If a person doubts while rising to stand, whether or not he has performed Sajdah or tashahhud, he should ignore the doubt.

1182. If a person, who is offering prayers sitting or lying, doubts at the time

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of reciting *Surah al-Hamd* or *Tasbihat Arba'ah*, whether or not he has performed Sajdah or tashahhud, he should ignore his doubt. And if the doubt occurs before reciting *Surah al-Hamd* or *Tasbihat Arba'ah*, he should perform them.

1183. * If a person doubts whether or not he has performed one of the Rukn of prayers, and if he has not yet engaged himself in the next act, he should perform it. For example, if he doubts before reciting tashahhud, whether or not he has performed two Sajdah, he should perform them. And if he remembers later that he had already performed that Rukn, as an obligatory precaution,his prayers will become void because of additional Rukn.

1184. If a person doubts whether or not he has performed an act which is not a Rukn of namaz, and if he has not engaged himself in the following act, he should perform it. For example, if he doubts before reciting the other Surah, whether or not he has recited *Surah al-Hamd*, he should recite *Hamd*. And if he remembers after reciting *Hamd* that he had already recited it, his prayers will be in order, because a Rukn has not been added.

1185. * If a person doubts whether or not he has performed a Rukn, like, while in tashahhud, he doubts whether or not he has performed two Sajdah, and ignores his doubt, but remembers later that he had actually not performed that Rukn, he should perform it if he has not entered into the next Rukn. However, if he has engaged himself in the next Rukn, his prayer is void. For example, if he remembers before Ruku of the next Rak'at, that he had not performed two Sajdah, he should perform them, and if he remembers this during Ruku or thereafter, his prayers are void.

1186. If a person doubts whether or not he has performed an act which is not a Rukn, and if he is engaged in the next act, he should ignore his doubt. For example, if he doubts while reciting the other Surah, whether or not he has recited *Surah al-Hamd*, he should ignore his doubt. And if he remembers later that he had actually not performed that act, he should perform it, if he has not entered into the next Rukn, and if he has entered the next Rukn, his prayers are in order. Based on this, if he remembers in qunut that he has not recited *Surah al-Hamd* he should recite it, and if he remembers it in Ruku, his prayers are in order.

1187. * If a person doubts whether or not he has said Salam of prayers when he is engaged in supplications or other namaz, or when the form of namaz has already changed, he should ignore his doubt. And if he doubts before these acts, he should say Salam. And if he doubts at any stage, whether he recited the Salam correctly or not, he should ignore that doubt.

II. Doubt After the Salam

1188. If a person becomes doubtful after the Salam of prayers, as to whether or not he has offered the prayers correctly, like, if he doubts whether or not he has performed the Ruku, or doubts in a 4 Rak'at prayers as to whether he has performed 4 or 5 Rak'ats, he should ignore his doubt. But if both sides of the doubt lead to invalidity of the prayers like, if he doubts in 4 Rak'at prayers whether he has performed 3 or 5 Raka'ts, his prayers would be void.

III. Doubt After the Time of Namaz has passed

1189. If a person doubts, after the time for prayers has already passed, as to whether he has offered the prayers or not, or if he suspects that he may not have offered it, it is not necessary for him to offer that prayers. If, however, he doubts before the expiry of the time for that prayers, as to whether or not he has offered it, he should offer it, even if he has a feeling that he might have done so.

1190. If a person doubts after the time for prayers has passed, whether or not he has offered the prayers correctly, he should ignore his doubt.

1191. * If, after the time for Zuhr and Asr prayers has passed, a person knows that he has offered 4 Rak'ats, but does not know whether it was with the intention of Zuhr prayers or Asr prayers, he should, offer 4 Rak'ats of qadha prayers, with the niyyat that he is praying that which is obligatory upon him.

1192. If after the time for Maghrib and Isha prayers has elapsed, a person knows that he has offered one prayer, but does not know whether it was of 3 or 4 Rak'ats, he should offer qadha of Maghrib and Isha prayers.

IV. One Who Doubts Too Much

1193. * *Kathirush shak* is a person who doubts quite often, meaning that he doubts more than a normal person does, due to an unsettled mind or whims. A normal person who doubts at least once in every three prayers, should ignore his doubts.

1194. If a person with such an obsession doubts about having performed any part of prayers, he should decide that he has performed it. For example, if he doubts whether he has performed Ruku, he should say that he has performed it. And if he doubts about having performed an act which invalidate prayers, like, if he doubts whether in the Fajr prayers he has offered 2 or 3 Rak'ats, he should consider that he has offered the prayers properly.

1195. * If a person frequently doubts about a particular act of prayers, then doubts occurring about other acts of prayers, should be dealt with according to their prescribed rules. For example, if a person who frequently doubts about having performed Sajdah, doubts about having performed Ruku, he should act according to the rules relating to it, that is, if he has not performed Sajdah, he should perform Ruku, and if he has already performed Sajdah, he should ignore his doubt.

1196. If a person frequently doubts in a particular prayer like, namaz of Zuhr, and if he has a doubt in the prayers of Asr, he should act according to the rules of doubts.

1197. If a person, who doubts more only when he offers prayers at a particular place, becomes subjected to doubts at another place of prayers, he should act according to the rules of doubts.

1198. A person who doubts whether he has become one of those who doubt too much (*Kathirush shak*), he should act according to the normal rules relating to doubts. And as long as a *Kathirush shak* person is not sure that he has returned to the normal condition, he should ignore his doubt.

1199. * If a *Kathirush shak* person doubts whether he has performed a Rukn or not, and ignores his doubts, but remembers later that he had actually not

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performed it, he should perform it, if he has not gone into next Rukn. And if he has commenced the next Rukn, his prayer, as a precaution is void. For example, if he doubts whether he has performed Ruku or not, and ignores his doubt, but remembers before the second Sajdah that he has not performed Ruku, he should return and perform Ruku, but if he remembers it in the second Sajdah, his prayer, as a precaution is void.

1200. If a *Kathirush shak* person doubts whether he has performed an act which is not a Rukn, and ignores his doubt and remembers later that he has not performed it, and the stage of its performance has not passed, he should perform it, and if he has passed its stage, his prayer is in order. For example, if he doubts whether he has recited *Hamd*, he should recite it. But if he remembers after having gone to Ruku, his namaz will be in order.

1201. If an Imam who is leading a congregational prayer, doubts about the number of Rak'ats, like, if he doubts whether he has performed three or four Rak'ats, he will follow the indication given by the follower who is certain about the numbers. If he indicates that it is the fourth, Imam will accept it and complete the prayers. Similarly, if the Imam is sure about the number of Rak'ats, and the follower has a doubt, he should ignore his doubt.

VI. Doubt in Mustahab Prayers

1202. If a person doubts about the number of Rak'ats in a Mustahab prayer and if the higher side makes the prayers void, he should decide on the lesser side of the doubt. For example, if he doubts whether he has performed 2 Rak'ats or 3 in *Nafilah* of Fajr prayers, he should decide that he has performed 2 Rak'ats. But if the higher side does

not invalidate the prayers, like, if he doubts whether he has performed 2 Rak'ats or 1, he is free to decide either way, and his prayers will be valid.

1203. Omission of a Rukn invalidates *Nafilah* (Mustahab prayers), but addition of a Rukn does not invalidate it. Hence, if the person offering *Nafilah* prayers forgets to perform any part, and remembers when he has entered into another Rukn, he should return to perform the forgotten part and then re-enter the Rukn. For example, if he remembers during Ruku that he has not recited *Surah al-Hamd*, he should return to recite *Surah al-Hamd*, and then go into Ruku again.

1204. If a person doubts whether he has performed any Rukn or non-Rukn part of *Nafilah* prayers, he should perform it if its stage has not passed, and if it has, then he should ignore the doubt.

1205. * If in a Mustahab prayer of two Rak'ats, a person suspects that he has offered 3 Rak'ats or more, he should ignore his doubt, and his prayers are in order. If, he suspects that he has offered 2 Rak'ats or less, then as an obligatory precaution, he should pay heed to that suspicion. For example, if he suspects that he has performed one Rak'at only, as a precaution, he will perform another Rak'at.

1206. * If a person in *Nafilah* prayers performs an act which, if he had performed in an obligatory prayers, it would have been necessary for him to do Sajdatus Sahv, or if he forgets one Sajdah, it will not be necessary to perform Sajdatus Sahv, or give qadha for the Sajdah, after the *Nafilah* is over.

1207. If a person doubts whether he has offered a particular Mustahab prayer or not, and if that prayer does not have a fixed time, like, the prayers of Ja'far Tayyar, he should decide that he has not offered it. The position is the same if that prayer has a fixed time, like *Nafilah* of daily prayers, and a person doubts before its time lapses, whether he has offered it or not. However, if he doubts after its time has gone, he should ignore his doubt.

Doubts Which Are Valid

1208. * There are nine situations in which a person can have doubts about the number of Rak'ats in the namaz consisting of four Rak'ats. In those situations, one should pause to think, and if he arrives at any decision or probability, he should act accordingly. If doubt persists, he should follow these rules:
(i) After the second Sajdah, if a person doubts whether he has performed 2 Rak'ats or 3, he should assume that he has performed 3 Rak'ats, and finish the prayers after performing one more Rak'at. And after finishing the prayers he should offer, as an obligatory precaution, 1 Rak'at of *Namaz-e-Ihtiyat*, standing.
(ii) If after the second Sajdah, a person doubts whether he has performed 2 or 4 Rak'ats, he should decide that he has performed 4 Rak'ats and fin-

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ish his prayers. He should then stand up to offer 2 Rak'ats of *Namaz-e-Ihtiyat*.
(iii) If a person doubts, after the second Sajdah, whether he has performed 2, 3 or 4

Rak'ats, he should decide that he has performed 4 Rak'ats. After completing the prayers, he should perform 2 Rak'ats of *Namaz-e-Ihtiyat* standing, and 2 Rak'ats in the sitting position.
(iv) If a person doubts after the second Sajdah, as to whether he has performed 4 or 5 Rak'ats, he should decide that he has performed 4 Rak'ats and finish his prayers. After that he should perform two sajdatus sahv. And this rule applies to every situation of doubt between four and more Rak'ats, like, if one doubts whether he has prayed four or six Rak'ats. And there can be a situation where at one single time, one doubts whether he has performed less than four or more than four Rak'ats. If this doubt occurs after the second Sajdah, he will in each doubt, decide that he has performed four Rak'ats, then for a doubt that he might have performed less, he will redress it by *Namaz-e-Ihtiyat*, and for a doubt that he might have performed more, he will perform Sajdatus Sahv.
In any of these four situations, if the doubt occurs after the first Sajdah, and before having gone into the second, the prayers will be void.
(v) If a person doubts at any stage during his prayers, whether he has performed 3 or 4 Rak'ats, he should decide that he has performed 4 Rak'ats and finish his prayers. Thereafter he should offer *Namaz-e-Ihtiyat* of 1 Rak'at standing or of 2 Rak'ats in the sitting position.
(vi) If a person doubts while standing, as to whether he has performed 4 Rak'ats or 5, he should sit down and recite tashahhud and the Salam of prayers. Then he should stand up to offer*Namaz-e-Ihtiyat* of 1 Rak'at, or give 2 Rak'ats while sitting.
(vii) If one doubts, while standing, whether he has performed three or five Rak'ats, he should sit down and read tashahhud and Salam to finish the prayers. After that, he should offer 2 Rak'ats of *Namaz-e-Ihtiyat* standing.
(viii) If a person doubts while standing, as to whether he has offered 3, 4 or 5 Rak'ats, he should sit down and recite tashahhud and the Salam of prayers. Thereafter, he should offer *Namaz-e-Ihtiyat* of 2 Rak'ats standing, and another 2 Rak'ats in the sitting position.
(ix) If a person doubts, while standing, whether he has performed 5 or 6 Rak'ats, he should sit down and recite tashahhud and Salam of the

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prayers. Thereafter, he should perform two sajdatus sahv. In all the foregoing four situations one should, as a recommended precaution, also offer two sajdatus sahv for an extra *qiyam*.

1209. * When a person has any of the above valid doubts, he should not break the prayers, if the time for namaz is very short. He should act according to the rules given above. In fact, even if there be ample time for namaz, it is a recommended precaution that namaz should not be broken, and the rules of redressing the situations of doubt be followed.

1210. * If a person has one of those doubts for which offering of *Namaz-e-Ihtiyat* is obligatory, as a recommended precaution, he should offer the *Namaz-e-Ihtiyat*, and without doing so, he should not start praying again. And before any such act occurs which invalidates namaz, if he starts the namaz afresh, without having performed *Namaz-e-Ihtiyat*, it will be void. Of course, if in the meantime, an act occurred which renders namaz void, and he prayed without having offered *Namaz-e-Ihtiyat*, this

namaz will be in order.

1211. * When a person has any of those doubts which invalidate the prayers, and if he feels that by continuing to the next act, he may acquire certainty, or form a strong idea about the actual situation, he is not allowed to continue with that namaz if the doubt has occurred in the first 2 Rak'ats. For example, if he doubts while standing, whether he has offered one Rak'at or more, and feels that if he goes into Ruku, the doubt may be allayed, it is not permissible to go to Ruku. But in all situations other than this, he can continue with the namaz if he feels that it would help him acquire certainty.

1212. If initially the feeling of a person is inclined on one side, and later both the sides become equally strong, he should act according to the rules of doubt. And if initially both sides are equally strong, and he decides to act according to his obligation, but later his feeling inclines to the other side, he should adopt it, and complete the prayers.

1213. If a person does not know whether his feeling is inclined on one side, or is equal on both sides, he should act according to the rules of doubt.

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1214. * If a person learns after prayers, that while in namaz, he was in a state of doubt as to whether, he offered 2 Rak'ats or 3 and that he decided in favour of 3 Rak'ats, but does not know whether his strong feeling favoured offering three Rak'ats, or whether it favoured both sides equally, he does not have to offer *Namaz-e-Ihtiyat*.

1215. * If a person doubts after standing up, whether or not he has performed the 2 Sajdah, and simultaneously, has a type of doubt which would only be valid if it occurred after two Sajdah, like if he doubts whether he has performed two or three Rak'ats, his namaz will be valid if he acts according to the rule prescribed for that doubt. But while in tashahhud, if he falls into a type of doubt which would be valid only if it occurred after two sajdah, assuming that he has done two Sajdah, if the remedy of that doubt was to decide upon a Rak'at which has no tashahhud, his namaz will be void. For example, if that doubt was between 2 or 3 Rak'ats. And if the remedy of the doubt was to decide upon a Rak'at which has tashahhud, his namaz will be valid, like if the doubt is between 2 and 4 Rak'ats.

1216. * If a person doubts before he begins tashahhud, or before standing *(Qiyam)* in the Rak'ats which do not have tashahhud, whether he has performed one or both the Sajdah, and right at that moment, a doubt occurs which would only be valid if it occurred after two Sajdah, the prayers will be void.

1217. If a person doubts while standing, whether he is in third or fourth Rak'at, or whether it is third, fourth or fifth Rak'at, and at that time he remembers to have omitted one or both Sajdah of the preceding Rak'at, his prayers will be void.

1218. If one doubt of a person is allayed and another doubt takes its place, like, if he doubted first whether he had offered 2 or 3 Rak'ats, and later he doubts whether he has offered 3 or 4 Rak'ats, he should act according to the rules of the second doubt.

1219. * If a person doubts after prayers, whether while in namaz, his doubt was about 2 and 4 Rak'ats or about 3 and 4 Rak'ats, he may act according to

the rules of both the doubts; and also, he may break the namaz and after committing an act which invalidates namaz, he can repeat the prayers.

1220. If a person realises after prayers, that while he was in namaz, he had a doubt, but does not know whether it was a valid or unsound doubt, and further, if it was one of the valid doubts, he does not know to which type it belonged, in such a case, it is permissible for him to treat the prayers as void, and offer it again.

1221. If a person who prays in the sitting position has a doubt, which would oblige him to perform either 1 Rak'at *Namaz-e-Ihtiyat* standing or 2 Rak'ats in the sitting position, he should offer 1 Rak'at sitting. And if he has a doubt for which his obligation is to offer two Rak'ats of *Namaz-e-Ihtiyat* standing, he should offer 2 Rak'ats sitting.

1222. If a person, who normally offered prayers in the standing position, becomes unable to stand while offering *Namaz-e-Ihtiyat*, he should offer it as one who offers prayers in the sitting position. Rules of these have been detailed above.

1223. If a person, who normally sat when offering prayers, becomes capable of standing for offering *Namaz-e-Ihtiyat*, he should act according to the obligation of one who offers prayers standing.

Method of Offering Namaz-e-Ihtiyat

1224. A person, for whom it is obligatory to offer *Namaz-e-Ihtiyat*, should make its niyyat immediately after the Salam of prayers, and pronounce *takbir* and recite *Surah al-Hamd* and then perform Ruku and two Sajdah. Now, if he has to perform only one Rak'at of *Namaz-e-Ihtiyat*, he should recite tashahhud and Salam of the prayers after two Sajdah. If it is obligatory for him to perform 2 Rak'ats of *Namaz-e-Ihtiyat*, he should perform, after the 2 Sajdah, another Rak'at like the first one, and then complete with tashahhud and Salam.

1225. * *Namaz-e-Ihtiyat* does not have other Surah and qunut, and this prayer should be offered silently; its niyyat should not be uttered; and the

recommended precaution is that its *'Bismillah'* should also be pronounced silently.

1226. If a person realises before starting *Namaz-e-Ihtiyat* that the prayer which he had offered was correct, he need not offer it, and if he realises this during *Namaz-e-Ihtiyat*, he need not complete it.

1227. * If a person becomes certain before starting *Namaz-e-Ihtiyat*, that the prayers which he had offered had lesser Rak'ats, and if he has still not performed an act which would invalidate prayers, he should complete those parts of the prayers which he had

not performed, and as a precaution, also perform 2 Sajdatus Sahv for the extra Salam. And if he has performed an act which invalidates prayers, for example, if he has turned away from Qibla, he should repeat the prayers.

1228. If a person realises after *Namaz-e-Ihtiyat*, that the deficiency in his original prayers was equal to the *Namaz-e-Ihtiyat*, like, if he offers 1 Rak'at of *Namaz-e-Ihtiyat* in the case of doubt about 3 and 4 Rak'ats, and it transpires later that he had actually offered 3 Rak'ats in the original prayers, his prayers will be in order.

1229. If a person learns after *Namaz-e-Ihtiyat*, that the deficiency in his original prayers was lesser than the *Namaz-e-Ihtiyat*, like, if he offers 2 Rak'ats of *Namaz-e-Ihtiyat* for the doubt about 2 and 4 Rak'ats, and learns later that he had actually offered 3 Rak'ats, he should repeat his original prayers.

1230. * If a person learns after *Namaz-e-Ihtiyat*, that the deficiency in his original prayers was more than *Namaz-e-Ihtiyat*, like, if he offers 1 Rak'at of *Namaz-e-Ihtiyat* for the doubt between 3 and 4 Rak'ats, and learns later that he actually offered 2 Rak'ats only, if he has performed any act, which invalidates the prayers like, if he turns away from Qibla, he should offer the prayers again. And even if he has not performed an act which invalidates prayers, the obligatory precaution is that he should repeat his prayers, and should not be content with simply adding the missing Rak'ats.

1231. If a person had a doubt as to whether it was his second, third or

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fourth Rak'at, and remembers after offering 2 Rak'ats of *Namaz-e-Ihtiyat* in standing position, that he had actually offered 2 Rak'ats of his original prayers, it will not be necessary for him to offer 2 Rak'ats of *Namaz-e-Ihtiyat* in the sitting position.

1232. * If a person had a doubt whether it was his third or fourth Rak'at, and remembers while offering 1 Rak'at of *Namaz-e-Ihtiyat* in the standing position, that he had actually offered 3 Rak'ats in the original prayers, if he remembers before going to Ruku, he should abandon *Namaz-e-Ihtiyat*, and complete 1 Rak'at as an addendum. This way his prayers will be valid. But for one more Salam, he will perform two Sajdatus Sahv, as an obligatory precaution. But if he remembers this after having entered Ruku, he must pray again. As a precaution, he cannot content himself with just adding the remaining Rak'ats.

1233. * If a person had a doubt about second, third and fourth Rak'ats, and while he was offering 2 Rak'ats of *Namaz-e-Ihtiyat* in the standing position, he remembered that he had actually offered 3 Rak'ats, he should act as guided in the above rule.

1234. * If a person realises during *Namaz-e-Ihtiyat*, that the deficiency in his prayers was more or less than his *Namaz-e-Ihtiyat*, he should act according to rule no. 1232.

1235. * If a person doubts whether he offered *Namaz-e-Ihtiyat* which was obligatory on him, and if the time of prayers has lapsed, he should ignore the doubt. And if he has time at his disposal, and if much time has not elapsed between the doubt and the prayers, and he has also not performed an act invalidating the prayers, like turning

away from Qibla, he should offer *Namaz-e-Ihtiyat*. But if he has performed an act which invalidates the prayers, or if a good deal of time has elapsed between the prayers and the doubt, he should, as an obligatory precaution, pray again.

1236. * If a person increases a Rukn in *Namaz-e-Ihtiyat*, or if he prays 2 Rak'ats instead of 1, his *Namaz-e-Ihtiyat* will be void, and he will have to offer the original namaz again.

1237. If, during *Namaz-e-Ihtiyat*, a person doubts about any one of its acts, and if its stage has not passed, he should perform it. And if its stage has passed, he should ignore the doubt. For example,if he doubts whether or not he has recited *Surah al-Hamd*, and if he has not yet gone into Ruku, he should recite *Surah al-Hamd*, and if he has gone into Ruku, he should ignore his doubt.

1238. When a person doubts about the number of Rak'ats in *Namaz-e-Ihtiyat*, if he finds that by deciding on the higher side, *Namaz-e-Ihtiyat* will be void, he should decide on the lesser. But if he finds that deciding on the higher side would not invalidate *Namaz-e-Ihtiyat*, then he should decide on the higher side. For example, if a person, who is offering 2 Rak'ats of *Namaz-e-Ihtiyat*, doubts whether he has offered 2 or 3 Rak'ats, since taking it on the higher side will invalidate the prayers, he should decide that it is second Rak'at. And if he doubts whether he has offered 1 or 2 Rak'ats, then since taking it on the higher side will not invalidate the prayers, he should consider that he has offered 2 Rak'ats.

1239. If an act which is not a Rukn, is omitted or added forgetfully in *Namaz-e-Ihtiyat*, it will not be necessary to perform sajdatus sahv for it.

1240. If the person offering *Namaz-e-Ihtiyat* doubts after Salam, whether or not he has performed one of the parts or conditions of the prayers, he should ignore his doubt.

1241. * If a person forgets tashahhud or one Sajdah in *Namaz-e-Ihtiyat*, and if he is not able to perform it at once, the obligatory precaution is that he should perform the qadha for Sajdah after the Salam of the prayers.

1242. * If a man has an obligation to perform *Namaz-e-Ihtiyat*, qadha of a Sajdah or two Sajdatus Sahv, he should first offer *Namaz-e-Ihtiyat*.

1243. As far as Rak'ats of namaz are concerned, probability or strong feeling about it will be treated at the same level as certainty. For example, if a person does not know for certain whether he has offered 1 Rak'at or 2, and has a strong feeling that he has offered 2 Rak'ats, he should decide in its favour.

And if in a prayer of 4 Rak'ats, he strongly feels that he has offered 4 Rak'ats, he should not offer *Namaz-e-Ihtiyat*. But in the matter of acts of namaz, probability has the position of doubt. Hence, if he feels that probably he has performed Ruku, and if

he has not yet entered Sajdah, he should perform the Ruku. And if he thinks that he has not recited *Surah al-Hamd*, and has already started the other Surah, he should ignore his doubt and his prayers are in order.

1244. There is no difference between the rules of doubt, forgetting, and probability or strong feeling, regardless of it occurring in the daily obligatory prayers or other Wajib namaz. For example, if one doubts in namaz of *Ayaat*, whether he has performed 1 Rak'at or 2, his namaz will be void because it is a doubt which has occurred in a namaz consisting of 2 Rak'ats. Similarly, if he has a strong feeling that it is his first or his second Rak'at, he will complete the prayers based on that feeling.

Sajdatus Sahv (Sajdah for Forgotten Acts)
1245. * Two Sajdatus Sahv become necessary for five things, and they are performed after Salam. Their method will be explained later:
(i) For talking forgetfully during prayers.
(ii) Reciting Salam at the wrong place, like, forgetfully reciting them in the first Rak'at.
(iii) Forgetting tashahhud.
(iv) When there is a doubt in a 4 Rak'at prayers, after second Sajdah, as to whether the number of Rak'ats performed is 4 or 5, 4 or 6.
(v) When after namaz, one realises that he has either omitted or added something by mistake, but that omission or addition does not render the prayers void.
These five situations call for Sajdatus Sahv.
As per recommended obligation, if a person performs only one Sajdah forgetting the other, or if he erroneously sits down where he should stand, or vice versa, he should perform 2 Sajdatus Sahv. In fact, for every omission and addition made by mistake, in namaz, two Sajdatus Sahv be performed.

1246. * If a person talks, by mistake or under the impression that his prayer has ended, he should perform 2 Sajdatus sahv, as a precaution.

1247. * Sajdatus sahv is not obligatory for the sound emitted by coughing, but if one inadvertently sighs or moans, like, *'Ah'*, he should, as a precaution, perform Sajdatus Sahv.

1248. If a person makes an error in some recitation, and then repeats to correct it, Sajdatus Sahv will not be obligatory upon him.

1249. If a person talks for some time in namaz by mistake, and if the process is construed as having talked just once, he will perform two Sajdatus Sahv after Salams.

1250. If a person forgets the *tasbihat Arba'ah* , the recommended precaution is that he should perform 2 Sajdatus Sahv after his prayers.

1251. * If at a place where the Salam of prayers is not to be said, a person forgetfully says*Assalamu 'alayna wa'ala 'ibadil lahis salihin* or says: *Assalam 'alaykum* he should, as an obligatory precaution, perform 2 *sajdatus sahv*, even if he did not add *Wa Rahmatullahi wa Barakatuh*. But if he says: *"As Salamu alayka Ayyuhan Nabiyyu*

*Wa Rahmatullahi Wa Barakatuh"*then *Sajdatus Sahv* will be a recommended precaution.

1252. If a person says, by mistake, all the 3 Salams at the time when Salam should not be recited, it is sufficient to perform 2 *Sajdatus Sahv*.

1253. * If a person forgets one Sajdah or tashahhud, and remembers it before the Ruku of the next Rak'at, he should return and perform it. And after the prayers, he should, as a recommended precaution, offer two Sajdatus Sahv for additional standing (*Qiyam*).

1254. * If a person remembers during Ruku or thereafter, that he has forgotten one Sajdah or tashahhud of the preceding Rak'at, he should perform the qadha of Sajdah after the Salam of prayers, and for tashahhud he should perform two *Sajdatus Sahv*.

1255. * If a person does not perform *Sajdatus Sahv* after the Salam of prayers intentionally, he commits a sin, and it is obligatory upon him to per-

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form it as early as possible. And if he forgets to perform it, he should perform it immediately when he remembers. It is, however, not necessary for him to repeat the prayers.

1256. If a person doubts whether or not two *Sajdatus Sahv* have become obligatory upon him, it is not necessary for him to perform them.

1257. If a person doubts whether two or four *Sajdatus Sahv* have become obligatory upon him, it will be sufficient if he performs two *Sajdatus Sahv*.

1258. If a person knows that he has not performed one of the two *Sajdatus Sahv*, and if it is not possible to do it then, he should perform two *Sajdatus Sahv* again. And if he knows that he has offered three Sajdah forgetfully, the obligatory precaution is that he should perform two *Sajdatus Sahv* again.

The Method of Offering Sajdatus Sahv

1259. * Immediately after the Salam of prayers, one should make a niyyat of performing Sajdah, placing one's forehead, as an obligatory precaution, on an object which is allowed. It is a recommended precaution that Zikr be recited, and a better Zikr is: *Bismillahi wa billah assalamu 'alayka ayyuhan Nabiyyu wa rahmatullahi wa barakatuh*. Then one should sit up and perform another Sajdah reciting the above mentioned Zikr. After performing the second Sajdah one should sit up again and recite *tashahhud* and then say: *Assalamu 'alaykum*'; it is better to add to it: *Wa rahmatullahi wa barakatuh*.

Qadha of the Forgotten Sajdah and Tashahhud

1260. If a person forgets Sajdah and tashahhud, and offers its qadha after prayers, he should fulfil all the conditions of prayers, like his body and dress being *Pak*, and facing the Qibla, and all various other conditions.

1261. * If a person forgets Sajdah a few times, like, if he forgets one Sajdah in the first Rak'at and another in the second Rak'at, after the prayers, he should perform the qadha of each one of them. It is better that, as a precaution he should also perform *Sajdatus Sahv* for each of them.

1262. * If a person forgets one Sajdah and tashahhud, he should, as a pre-

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caution, offer two Sajdatus Sahv for each of them.

1263. If a person forgets two Sajdahs from two Rak'ats, it is not necessary to observe the order while giving their qadha.

1264. * If between the Salam of prayers and the qadha of Sajdah, a person performs an act which would invalidate the prayers were he to do so purposely or forgetfully, like, turning away from Qibla, the recommended precaution is that, after performing the qadha of Sajdah, he should repeat his prayers.

1265. * If a person remembers just after the Salam of prayers that he has forgotten a Sajdah, or tashahhud of the last Rak'at, he should resume to complete the prayers, and should, as an obligatory precaution, perform two *Sajdatus Sahv* for an additional Salam.

1266. * If between the Salam of prayers and the qadha of Sajdah, a person performs an act which makes *Sajdatus Sahv* obligatory (like, if he talks forgetfully), he should, as an obligatory precaution, first perform qadha of Sajdah and then do two *Sajdatus Sahv*.

1267. * If a person does not know whether he has forgotten a Sajdah or tashahhud in his prayers, he should perform qadha of Sajdah, and also perform two *Sajdatus Sahv*. And as a recommended precaution, he should perform qadha of tashahhud also.

1268. If a person doubts whether or not he has forgotten to perform Sajdah, or tashahhud, it is not obligatory for him to perform its qadha, nor to perform *Sajdatus Sahv*.

1269. * If a person knows that he has forgotten Sajdah, but doubts whether or not he has performed it before the Ruku of the succeeding Rak'at, the recommended precaution is that he should perform its qadha.

1270. * If it is obligatory on a person to perform qadha of Sajdah, and owing to some other act, *Sajdatus Sahv* also becomes obligatory upon him,

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he should first perform the qadha of Sajdah after prayers, and then perform *Sajdatus Sahv*.

1271. * If a person doubts whether or not he has given the qadha of the forgotten

Sajdah after the prayers, and if the time for the prayers has not lapsed, he should give the qadha. In fact, even if the time of namaz has lapsed, he should , as an obligatory precaution, give the qadha.

Addition and Omission of the Acts and Condition of Prayers

1272. Whenever a person intentionally adds something to the obligatory acts of prayers, or omits something from them, even if it be only a letter, his prayers become void.

1273. * If a person adds or omits the Rukn (elemental parts) of prayers due to ignorance, his prayers are void. But adding or omitting a non-Rukn due to justifiable ignorance or by relying on some authority, will not make the prayers void. And if someone, due to his ignorance about the rule, prays Fajr, Maghrib and Isha with silent Qir'at, or Zuhr and Asr with loud Qir'at, or offers four Rak'ats where he should have prayed two because of travelling, his prayers will be in order.

1274. If a person realises during prayers that his Wudhu or Ghusl had been void, or that he had begun offering prayers without Wudhu or Ghusl, he should abandon that prayers and repeat the same with Wudhu or Ghusl. And if he realises it after the prayers, he should pray again with Wudhu or Ghusl. And if the time for the prayers has lapsed, he should perform its qadha.

1275. * If a person remembers after reaching Ruku, that he has forgotten the two Sajdah of the preceding Rak'at, his prayers are void. And if he remembers before going to Ruku, he should return to perform the two Sajdah. Then he should stand up to recite *Surah al-Hamd* and *Surah* or *Tasbihat Arba'ah*, and complete the prayers. And after the prayers, he should, on the basis of recommended precaution, perform two *Sajdatus Sahv* for additional standing.

1276. If a person remembers before saying *"Assalamu alayna"* and *Assalamu Alaykum* that he has not performed the two Sajdah of the last Rak'at, he should perform the two Sajdah and should recite tashahhud again, and then recite Salam.

1277. If a person realises before the Salam of prayers, that he has not offered one Rak'at or something more from the end part of prayers, he should perform the part which had been forgotten.

1278. * If a person realises after the Salam of prayers that he has not offered one Rak'at or more from the end part of the prayers, and if he has done any such thing which would invalidate the prayers, were he to do so intentionally or forgetfully, like turning away from Qibla, his prayers will be void. But if he has not performed any such act then, he should immediately proceed to perform that part of the prayers which he forgot, and should, as an obligatory precaution, offer two *Sajdatus Sahv* for additional Salam.

1279. * If a person after the Salam of prayers, does an act which would have invalidated the prayers, were then to do so intentionally or otherwise, like turning

away from Qibla, and then remembers that he had not performed two Sajdah, his prayers will be void. And if he remembers it before he performs any act which would invalidate the prayers, he should perform the two forgotten Sajdah, and should recite tashahhud again, together with Salam of the prayers. Thereafter, he should perform two *Sajdatus Sahv* for the Salam recited earlier.

1280. * If a person realises that he has offered the prayers before its time set in, he should offer that prayers again, and if the prescribed time for it has lapsed, he should perform its qadha. If he realises that he has offered the prayers with his back to Qibla, he should pray again if the time of namaz is still there, and if the time has lapsed, there will be qadha if he had prayed opposite because of uncertainty about Qibla. And if he prayed towards the right or the left of Qibla, and realised it after the time of namaz has lapsed, there is no qadha. But if he realises while the time of namaz is still on, he has to pray again, if he had not made enough efforts to determine the direction of Qibla.

Prayers of a Traveller (Musafir)

A traveller should reduce the Rak'ats in Zuhr, Asr and Isha prayers, that is, he should perform two Rak'ats instead of four, subject to the following eight conditions:
The first condition is that his journey is not less than 8 *farsakh* . A *farsakh* in shariah is a little less than 51/2 kilometres. (When converted into miles, 8 *farsakh* is equal to 28 miles approximately).

1281. * If the total of outward journey and return journey is 8 *farsakh*, even if the single journey either way does not equal 4 *farsakh*, he should shorten his prayers. Therefore, if his outward journey is 3 *farsakh*, and his return is 5 *farsakh*, or vice versa, he should offer shortened prayers, that is, of two Rak'ats.

1282. If the total of outward and return journey is just 8 *farsakh*, the traveller should shorten his prayers, even if he does not return on the same day or night. However, as a precaution, he should also offer complete prayers.

1283. If a brief journey is less than 8 *farsakh* or if a person does not know whether or not his journey is 8 *farsakh*, he should not shorten his prayers. If he doubts whether or not his journey is 8 *farsakh*, it is not necessary for him to investigate, he should offer complete prayers.

1284. * If an *'Adil* or a reliable person tells a traveller that the distance covered in his journey equals 8 *farsakh*, he should shorten his prayers, if he feels satisfied.

1285. If a person believed that his journey equalled 8 *farsakh*, and he shortened his prayers, and learnt later that it was not 8 *farsakh*, he should offer four Rak'ats of prayers, and if the time for the prayers has lapsed, he should perform its qadha.

1286. * If a person is sure that his journey is not of 8 *farsakh*, or if he doubts whether or not it is of 8 *farsakh*, if he realises on his way that the distance of his journey had

been 8 *farsakh*, he should offer shortened prayers, even if very little remains of his journey. If he has offered complete prayers, he should offer it again in the shortened form, but if the times of namaz has lapsed, there is no qadha for it.

1287. If a person frequents between two places which are less than 4 *farsakh* apart, he should offer complete prayers, even if the total distance covered by him may add up to 8 *farsakh*.

1288. If two roads lead to a place, one of them less than 8 *farsakh* away, and the other 8 *farsakh* or more, the traveller will offer shortened prayers if he travels by the road which is 8 *farsakh* away, and complete prayers if he travels by the road which is less than 8 *farsakh* away.

1289. * The beginning of 8 *farsakh* should be calculated from a point beyond which he will be deemed a traveller, and this point is represented by the last boundary of a city. In certain very big cities, it would be probably reckoned from the end of locality.

* The second condition is that the traveller should intend at the time of the commencement of the journey, to cover a distance of 8 *farsakh*. If he travels up to a point which is less than 8 *farsakh* away, and after reaching there decides to go further, and the two distances, when combined total 8 *farsakh*, he should offer full prayers. This is so, because he did not intend travelling 8 *farsakh* when he commenced his journey. But if he decides to travel further 8 *farsakh* from there, or to go to a distance of 4 *farsakh* and then to cover another 4 *farsakh* to return home, or to go to a place where he intends staying for 10 days, he should shorten his prayers.

1290. A person who does not know how many *farsakh* his journey would be, like, if he travels in search of something not knowing how far he will have to go, should offer full prayers. But, if the return journey to his home, or up to a place where he intends staying for 10 days, is 8 *farsakh* or more, he should offer shortened prayers. Moreover, if he makes a niyyat, during the

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journey, that he will travel 4 *farsakh* and again return covering 4 *farsakh*, he should shorten his prayers.

1291. A traveller should offer shortened prayers only when he is firmly determined to travel 8 *farsakh*. Hence, if a person goes outside the city thinking that he would cover 8 *farsakh* if he finds a companion, he will offer shortened prayers only if he is sure that he will find a companion. And if he is not sure to find one, he should pray full.

1292. * A person who intends to travel 8 *farsakh*, will pray shortened prayers even if he covers little distance every day. But he will do this when he has reached the point beyond which travelling begins, as explained in rule no. 1327. However, if his journey is at such a slow pace, that it cannot be considered a journey, then, as per obligatory precaution, he should pray both, full and shortened prayers.

1293. * If a person who is under the control of another person while on a journey, like, a servant travelling with his master, knows that his journey is 8 *farsakh*, he

should offer shortened prayers. But if he does not know, he should offer full prayers, and it is not necessary for him to inquire.

1294. * If a person, who is under the control of another person while on a journey, knows or thinks that he will get separated from that person before reaching 4 *farsakh*, he should offer full prayers.

1295. * If a person who is under the control of another person while on a journey, feels that he would separate from that person before reaching 4 *farsakh*, he should offer full prayers. But if he feels sure that he would not separate, at the same time having a faint presentiment that an impediment might occur in the journey, he should offer shortened prayers.

The third condition is that the traveller should not change his mind while on his way. If he changes his mind, or is undecided before covering 4 *farsakh*, he should offer full prayers.

1296. * If after covering a distance which would add up to make 8 *farsakh*

on return, the traveller abandons the journey, and if he decides to remain at that place, or to return after 10 days, or is undecided about returning or staying there, he should offer full prayers.

1297. * If a person abandons the journey after reaching a distance which would add up to make 8 *farsakh* on return, and decides to return, he should offer shortened prayers even if he wants to stay there for less than 10 days.&127;

1298. * If a person commences his journey to go to a place which is at a distance of 8 *farsakh*, and after covering a part of the journey, decides to go elsewhere, and the distance between the place from where he started his journey, up to the new place, is 8 *farsakh*, he should shorten his prayers.

1299. * If a person, before reaching 8 *farsakh*, becomes undecided about proceeding further, and if he stops his journey, and later decides to proceed to complete the intended journey, he should offer shortened prayers till the end of his journey.

1300. * If a person, before covering 8 *farsakh*, becomes undecided about proceeding further, and in the same state of indecision continues travelling, till he decides to go further for 8 *farsakh*,&127; or for a distance which would add up to make 8 *farsakh* on return, he should pray shortened prayers till the end, regardless of whether he wants to return the same day or night, or stay there for less than 10 days.

1301. * If before covering a distance of 8 *farsakh* a, traveller becomes undecided whether he should complete the journey or not, and decides later to do so, if his remaining journey is less than 8 *farsakh*, he should offer full prayers. But if the distance covered before indecision and the remaining distance, both add up to 8 *farsakh*, he will offer shortened prayers.

* The fourth condition is that the traveller does not intend to pass through his home town and stay there, or to stay at some place for 10 days or more, before he reaches a distance of 8 *farsakh*. Hence a person, who intends to pass through his home town and stay there, or to stay at a place for 10 days, before he reaches of 8 *farsakh*, he should offer full prayers.

1302. * A person, who does not know whether or not he will pass through his home town and stay there, before reaching 8 *farsakh*, or through a place where he will stay for 10 days, should offer full prayers.

1303. * A person who wishes to pass through his home town and stay there, before he reaches 8 *farsakh*, or to stay at a place for 10 days, or if he is undecided about it, should offer complete prayers even if he later abandons the idea of passing through his home town, or staying at a place for 10 days. However, if the remaining journey is of 8 *farsakh* or adds upto 8 *farsakh* on return, he should shorten his prayers.

* The fifth condition is that the purpose of travelling should not be haraam. Therefore, if a person travels to do something unlawful, like, to commit theft, he should offer full prayers. The same rule applies when travelling itself is haraam, like, when travelling involves a harm which is haraam in Shariah, or when a wife travels without the permission of her husband for a journey which is not obligatory upon her. But if it is an obligatory journey, like that of Wajib Hajj, then shortened prayers should be offered.

1304. * A journey which is not obligatory, and is a cause of displeasure of one's parents, is haraam, and while going on such a journey, one should offer full prayers and should also fast.

1305. A person whose journey is not haraam, nor is it for a purpose which is haraam, should shorten his prayers even if he may, during the journey, commit some sin like, indulging in Gheebat or taking alcohol.

1306. If a person undertakes a journey to avoid some obligatory act, regardless of whether he has some other purpose attached to it, he should offer full prayers. Hence, if a person owes some money, and he undertakes a journey to avoid the demand of his creditor, he should offer full prayers. However, if his journey has different purpose, he should shorten his prayers, even if he leaves out some obligatory acts during that journey.

1307. * If a person travels on a vehicle or on an animal which is usurped,

and travels to escape from the rightful owner, or if he travels on a usurped land, he will offer full prayers.

1308. * If a person is travelling with an oppressor, of his own volition, and by so doing is helpful to the oppressor in his inequity, he should offer full prayers. But if he

is helpless, or, if he is travelling with the oppressor to save the oppressed person, he should shorten his prayers.

1309. If a person travels for recreation and outing, his journey is not haraam, and he should shorten his prayers.

1310. * If a person goes out for hunting, with the object of sport and pleasure, his prayers during the outward journey will be full, and on return it will be *qasr* if it does not involve hunting. But if a person goes out for hunting, to earn his livelihood, he should offer shortened prayers. Similarly, if he goes for business and increase in his wealth, he will pray *qasr*, although in this case, the precaution is that he should offer *qasr* as well as full prayers.

1311. If a person has journeyed to commit a sin, he should, on his return, shorten his prayers, if the return journey alone covers 8 *farsakh*. And the recommended precaution is that if he has not&127; done *Tawba*, he should offer *qasr* as well as full prayers.

1312. * If a person travelling with the purpose of committing a sin, abandons the idea during his journey, he will pray *qasr* even if the remaining distance from there, or the total of going and returning from there is not 8 *farsakh*.

1313. * If a person who originally set forth on a journey with no intention of sin, decides during his journey to make it a journey of sin, he will offer full prayers. However, the prayers which he might have prayed in *qasr* form uptill then, will be in order.

* The sixth condition is that the traveller should not be a nomad, who roam about in the deserts, and temporarily stay at places where they find food for themselves, and fodder and water for their animals, and again pro-

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ceed to some other place after a few days' halt. During these journeys the nomads should offer full prayers.

1314. * If a nomad travels to find out residence for himself, and pasture for his animals, and carries his bag and baggage with him, he should offer full prayers, otherwise if his journey is 8 *farsakh* he should shorten his prayers.

1315. * If a nomad travels for Ziyarat, Hajj (pilgrimage), trade or any other similar purpose, he should shorten his prayers.

* The seventh condition is that travelling should not be his profession, that is, one who has no other work but travelling; or that travelling is the means of his subsistence, like the camel riders, drivers, herdsmen and sailors. Such people will pray full, even if they travel for their personal work, like transporting their own household effects, or transporting their families. Those who live at one place and work at another, commuting every day, or every other day, like students or businessmen etc., fall in this category.

1316. * If a person whose profession is travelling, travels for another purpose like, for Hajj, he should shorten his prayers except when he is a known frequent traveller. If, for example, the driver of automobile hires out his vehicle for pilgrimage, and incidentally performs pilgrimage himself as well, he should offer full prayers.

1317. * If a person whose profession is that of a courier, that is, a person who travels to transport the pilgrims to Makkah, is travelling, he should offer full prayers, and if his profession is not travelling and he travels only during Hajj days for the purpose of portage, the obligatory precaution is that he should offer *qasr* as well as full prayers. However, if the period of his journey is short, like two or three weeks, he may offer shortened prayers.

1318. If a person whose profession is that of a courier who takes pilgrims to Makkah from distant places, spends a considerable part of the days in a year travelling, he should offer full prayers.

1319. A person whose profession for a part of the year is travelling, like a

driver who hires out his automobile during winter or summer, should offer full prayers during those journeys, and the recommended precaution is that he should offer *qasr* prayers, as well as full prayers.

1320. If a driver or a hawker, who goes round within an area of 2 or 3 *farsakh* in the city, happens to travel on a journey consisting of 8 *farsakh*, he should shorten his prayers.

1321. * If a person whose profession is travelling, stays in his home town for 10 days or more, with or without the original intention, he should offer full prayers during the first journey that he undertakes after ten days. The same rule will apply, when he travels after ten days from a place which is not his home town.

1322. * If a herdsman whose profession is travelling, stays at his home town or any other place for 10 days with or without any intention, he should, as a recommended precaution, perform both *qasr* and full prayers when he undertakes his first journey after ten days.

1323. * If herdsmen or camel drivers who have travelling as their profession, find it difficult and exhausting to conduct a particular additional journey, they should pray *qasr* in it.

1324. A person who tours different cities, and has not adopted a homeland for himself, should offer full prayers.

1325. * If a person whose profession is not travelling, has to travel quite often to transport a commodity he owns, he will pray *qasr*, unless the travelling is so frequent that he becomes known as a constant traveller.

1326. If a person is not a professional traveller, and he has abandoned his homeland and wants to adopt another homeland, he should shorten his prayers while he is travelling.

* The eighth condition is that the traveller reaches the limit of *tarakhkhus*, that is, at a point beyond which travelling begins. But if a person is not in

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his hometown, the rule of *tarakhkhus* will not apply to him. Just as he travels from his place of residence, his prayers will be *qasr*.

1327. * The limit of *tarakhkhus* is a place where people of the city do not see the traveller, and its sign is, when he does not see them.

1328. * A traveller who is returning to his hometown will continue praying *qasr*, till he enters the hometown. Similarly, a person who intends to stay for ten days at a place, will offer *qasr* prayers, till he reaches that place.

1329. If a city is situated at such a height, that the residents can be seen from a distance, or, if it is so low that if a person covers a little distance, he would not see them, a traveller from that city should offer *qasr* prayers applying that distance, which would make him unable to see them were he travelling on a flat land. And if the elevation or depression of the path varies abnormally, the traveller should take an average mean into consideration.

1330. If a person starts his journey from a place which is uninhabited, he should shorten his prayers when he reaches a place from which the residents, if they had been there, would not have been seen.

1331. * If a person travelling in a ship or on a train, starts praying full prayers before reaching the point of *tarakhkhus*, and if he reaches that point before having gone into the Ruku of the third Rak'at, he should pray *qasr*.

1332. * In the situation mentioned above,if he reaches the point of *tarakhkhus* after the Ruku of the third Rak'at, he can abandon that prayer, and pray *qasr*.

1333. * If a person was sure that he had reached the point of *tarakhkhus*, and accordingly started praying *qasr*, and then he realised that at the time of prayers, he had not reached that point, he should pray again. At that time when he realised this, if he has still not reached the point of *tarakhkhus*, he will pray full, and if he has already crossed the point, he will pray *qasr*. And if the time of prayer has lapsed, he will give qadha.

1334. * If a person is gifted with an unusually sharp eyesight, enabling him to see from a distance where others may not be able to see, he will pray *qasr* from a point from where a person with normal vision would not see the residents.

1335. * If a person doubts whether or not he has reached the point of *tarakhkhus* he should offer full prayers.

1336. * A traveller who is passing through his hometown, if he makes a stopover there, he will pray full, otherwise, as an obligatory precaution, he will combine both, full as well as *qasr* prayers.

1337. * When a traveller reaches his hometown during his journey, and makes a stopover there, he should offer full prayers as long as he stays there. But, if he wishes to go from there to a distance of 8 *farsakh*, or to go upto 4 *farsakh* and then return for the same distance, he should offer *qasr* prayers when he reaches the limit of *tarakhkhus*.

1338. * A place which a person adopts for his permanent living is his home, irrespective of whether he was born there, or whether it was the home of his parents, or whether he himself selected it as his residence.

1339. * If a person intends to stay for some time at a place which is not his original home town, and to later migrate to another place, then such a place will not be considered as his home (*Watan*).

1340. * A place which a person adopts for his residence is his hometown (*watan*) even if he has not made a specific intention to live there for ever. It is his watan, if the people there do not consider him a traveller, inspite of his sojourn at other place where he may be putting up for ten or less days.

1341. If a person lives at two places, for example, he lives in one city for six months, and in another for another six months, both of them are his home(*watan*). And, if he adopts more than two places for his living, all of them are reckoned to be his home (*watan*).

1342. * Some Fuqaha have said that if a person owns a house at a place, and lives there continuously for six months, with the intention of living there, he should, as long as that house is owned by him, offer full prayers as and when he travels to that place. But this verdict is not evidenced.

1343. If a person reaches a place which was previously his home, but has since abandoned it, he should not offer full prayers there, even if he may not have adopted a new home (*watan*).

1344. If a traveller intends to stay at a place continuously for ten days, or knows that he will be obliged to stay at a place for ten days, he should offer full prayers at that place.

1345. If a traveller intends to stay at a place for ten days, it is not necessary that his intention should be to stay there during the first night or the eleventh night. And as soon as he determines that he will stay there from sunrise on the first day up to sunset of the tenth day, he should offer full prayers. Same will apply if, for example, he

intends staying there from noon of the first day up to noon of the eleventh day.

1346. A person who intends to stay at a place for ten days, should offer full prayers if he wants to stay for ten days at that place only. If he intends to spend, for example, ten days between Najaf and Kufa, or between Tehran and Shamiran, he should offer *qasr* prayers.

1347. * If a traveller who wants to stay at a place for ten days, has determined at the very outset, that during the period of ten days, he will travel to surrounding places up to the limit of *tarakhkhus* or more, and if the period of his going and returning is so brief, that it cannot be considered as infringement of his intention of staying there for 10 days, he should offer full prayers.

But if it is considered as an infringement, then he should pray *qasr*. For example, if he is away from that place for a day and a night, then that prolonged period will be breaking the intention, and he will pray *qasr*. But if he was away for, say, half a day, returning by the evening, it will not be considered as breaking the intention. Of course, if he travels frequently from that place, giving an impression that he is visiting two or more places, then he will pray *qasr*.

1348. A traveller, who is not determined to stay at a place for ten days, like, if his intention is that he will stay there for ten days if his friend arrives, or if he finds a good house to stay in, he should offer *qasr* prayers.

1349. * If a traveller has decided to stay at a place for ten days, but at the same time, considers it probable that he may have to leave earlier because of some hindrance, and if that suspicion is justifiable, he should offer shortened prayers.

1350. * If a traveller knows, for example, that ten days or more remain before the month ends, and decides to stay at a place till the end of the month he should offer full prayers. But if he does not know how many days remain before the end of the month, and simply decides to stay till the end of the month, he should pray *qasr*, even if it later turns out to be ten or more days.

1351. If a traveller decides to stay at a place for ten days and abandons the idea before offering one namaz consisting of four Rak'ats, or becomes undecided, he should pray *qasr*. But, if he abandons the idea of staying there after having offered one namaz consisting of four Rak'ats, or wavers in his intention, he should offer full prayers as long as he is at that place.

1352. * If a person who has determined to stay at a place for ten days, keeps a fast and abandons the idea of staying there after Zuhr, if he has offered one namaz consisting of four Rak'ats, his fast on that day, and for as long as he is there, would be valid, and he should offer full prayers. And if he has not offered a namaz consisting of four Rak'ats, the fast kept by him on that day should be, as a precaution, continued and its qadha be given later. He will then pray *qasr*, and will not fast in the remaining days.

1353. If a traveller who has decided to stay at a place for ten days, abandons the idea,

but doubts before changing his intention to stay, whether or not he has offered one namaz consisting of four Rak'ats, he should offer *qasr* prayers.

1354. If a traveller starts prayers with the intention of *qasr*, and decides dur-

ing the prayers that he would stay there for ten days or more, he should offer full prayers consisting of four Rak'ats.

1355. * If a traveller who has decided to stay at a place for ten days, changes his mind during his first namaz consisting of four Rak'ats, he should finish his prayers with two Rak'ats if he has not started the third. And in the later days, he should continue with *qasr*. Similarly, if he has started the third Rak'at, but has not gone into Ruku, he should sit down, and complete the namaz in its shortened form. But if, he has gone into Ruku, he can forsake that namaz, and pray again as *qasr*. And for as long as he is there, he should pray *qasr*.

1356. If a traveller who has decided to stay at a place for ten days, stays there for more than ten days, he should offer full prayers as long as he does not start travelling, and it is not necessary that he should make a fresh intention for staying for further ten days.

1357. * A traveller who decides to stay at a place for ten days, should keep the obligatory fast; he may also keep Mustahab fast, and offer *Nafila* (Mustahab everyday prayers) of Zuhr, Asr and Isha prayers.

1358. * If a traveller, who has decided to stay at a place for ten days, if after offering a namaz of four Rak'ats (not qadha), or after staying for ten days even without having offered one set of full prayers, wishes to travel less than 4 *farsakh* away and to return, and to stay again at his first place for ten days or less, he should offer full prayers from the time he goes till he returns, and after his return. But if his return to the place of his stay is only for passing through, on a journey of eight *farsakh* or more, it will be necessary for him to offer *qasr* prayers at the time of going, returning, and also at that place.

1359. If a traveller who decides to stay at a place for ten days, after offering namaz (not qadha) of four Rak'ats, decides to go to another place less than 8 *farsakh* away, and to stay there for ten days, he should offer full prayers while going, and at the place where he intends to stay. But, if the place where he wants to go is 8 *farsakh* away or more, he should shorten his

prayers while going, and if he does not want to stay there for ten days, he should shorten his prayers during the period he stays there also.

1360. If a traveller who has decided to stay at a place for ten days, wishes, after offering namaz (not qadha) of four Rak'ats, to go to a place which is less than 4 *farsakh* away, and is undecided about returning to his first place, or is totally

unmindful about it, or he wishes to return, but is uncertain about staying for ten days, or is totally unmindful of staying there for ten days, or travelling from there, he should from the time of his going till returning, and after his return offer full prayers.

1361. If a person decides to stay at a place for ten days, under the impression that his companions wish to stay there for ten days, and after offering namaz (not qadha) of four Rak'ats, he learns that they have made no such decision, he should offer full prayers as long as he is there, even if he himself gives up the idea of remaining there.

1362. If a traveller stays at a place unexpectedly for thirty days, like, if he remained undecided throughout those thirty days, whether he should stay there or not, he should offer full prayers after thirty days, even it be for a short period.

1363. If a traveller intends to stay at a place for nine days or less, and if after spending nine days or less, he decides to extend his stay for further nine days or less, till thirty days, he should offer full prayers on the thirty first day.

1364. An undecided traveller will offer full prayers after thirty days, if he stays for all thirty days at one place. If he stays for a part of that period at one place, and the rest at another&127; place, he should offer *qasr* prayers even after thirty days.

Miscellaneous Rules

1365. * A traveller can offer full prayers in Masjidul Haram and Masjidul Nabi and Masjid of Kufa, and even in the entire cities of Makkah, Madina

and Kufa. He can also offer full prayers in the Haram of Imam Husayn (A.S.), upto the distance of 25 armlengths from the sacred tomb.&127;

1366. If a person who knows that he is a traveller, and should offer *qasr* prayers, intentionally offers full prayers at places other than the four mentioned above, his prayers are void. And the same rule applies, if he forgets that a traveller must offer *qasr* prayers, and prays full. However, if he prays full forgetting that a traveller should offer shortened prayers, and remembers after the time has lapsed, it is not necessary for him to give the qadha.

1367. * If a person who knows that he is a traveller, and should offer shortened prayers, offers full prayers by mistake, and realises within the time for that namaz, he should pray again. And if he realises after the lapse of time, he should give qadha as a precaution.

1368. If a traveller does not know that he should shorten his prayers, and if he offers full prayers, his prayers are in order.

1369. * If a traveller knew that he should offer shortened prayers, but did not know its details, like, if he did not know that shortened prayers should be offered when the distance of the journey is of 8 *farsakh*, and if he offers full prayers, as an obligatory precaution, he should repeat the prayers if he comes to know the rule within the time of namaz, and if he does not do that, he will give its qadha. But if he learns of the rule

after the time has lapsed, there is no qadha.

1370. If a traveller knows that he should offer shortened prayers, but offers full prayers under the impression that his journey is less than 8 *farsakh*, when he learns that his journey has been of 8 *farsakh*, he should repeat the prayers as *qasr*. And if he learns after the time for the prayers has lapsed, it is not necessary for him to offer qadha.

1371. If a person forgets that he is a traveller and offers complete prayers, and if he emembers this within the time for prayers, he should pray *qasr*, and if he realises this after the time is over, it is not obligatory for him to offer qadha of that prayers.

1372. * If a person who should offer complete prayers, offers *qasr* instead, his prayers are void in all circumstances; and as a precaution, this will apply even when he ignorantly prays *qasr*, at a place where he stopped for 10 days.

1373. If a person begins a prayer of four Rak'ats, and remembers during prayers that he is a traveller, or realises that his journey is of 8 *farsakh*, if he has not gone into the Ruku of the third Rak'at, he should complete namaz with two Rak'ats. But if he has gone into the Ruku of the third Rak'at, his prayer is void. If he has at his disposal, time even to offer one Rak'at, he should offer *qasr* prayers.

1374. * If a traveller is not aware of some of the details regarding the prayers during travel, for example, if he does not know that if he goes on an outward journey of 4 *farsakh*, and a return journey of 4 *farsakh*, he should offer shortened prayers, and he engages in prayers with the intention of offering four Rak'ats, if he comes to know the rule before Ruku of the third Rak'at, he should complete the prayers with two Rak'ats. But if he learns of this rule during Ruku, his prayers as a precaution are void. And if he has time at his disposal, even to offer one Rak'at of prayers, he should offer *qasr* prayers.

1375. If a traveller who should offer complete prayers, ignorantly makes a niyyat for *qasr* and learns about the rule during namaz, he should complete the namaz with four Rak'ats, and the recommended precaution is that after the completion of the prayers, he should offer a prayer of four Rak'ats once again.

1376. If before the time of prayers lapses, a traveller who has not offered prayers reaches his hometown, or a place where he intends to stay for ten days, he should offer full prayers. And if a person who is not on a journey, does not offer prayers within its time, and then proceeds on a journey, he should offer the prayers during his journey in shortened form.

1377. If the Zuhr, Asr, or Isha prayers of a traveller, who should have offered *qasr* prayers, becomes qadha, he should perform its qadha as *qasr*,

even if he gives qadha at his hometown or while he is not travelling. And if a non-

traveller makes one of the above three prayers qadha, he should perform its qadha as full, even if he may be travelling at the time he offers the qadha.

1378. * It is Mustahab that a traveller should say thirty times after every *qasr* prayers: *Subhanallahi walhamdu lillahi wala ilaha illallahu wallahu Akbar*. More emphasis is laid on this after Zuhr, Asr and Isha prayers. In fact, it is better that it is repeated sixty times after these three prayers.

Qadha Prayers

1379. * A person who does not offer his daily prayers within time, should offer qadha prayers even if he slept, or was unconscious during the entire time prescribed for the prayers. Similarly, qadha must be given for all other obligatory prayers, if they are not offered within time, and as an obligatory precaution, this includes those namaz which one makes obligatory upon oneself by *Nazr*, to offer within a fixed period. But the prayers of *Eid-ul-Fitr* and *Eid-ul-Adha* have no qadha, and the ladies who have to leave out daily prayers, or any other obligatory prayers, due to Haidh or Nifas, do not have to give any qadha for them.

1380. If a person realises after the time for the prayers has lapsed, that the prayers which he offered in time was void, he should perform its qadha prayers.

1381. A person having qadha prayers on him, should not be careless about offering them, although it is not obligatory for him to offer it immediately.

1382. A person who has qadha prayers on him, can offer Mustahab prayers.

1383. If a person suspects that he might have qadha on him, or that the prayers offered by him were not valid, it is Mustahab that, as a measure of precaution, he should offer their qadha.

1384. It is not necessary to maintain sequential order in the offering of qadha, except in the case of prayers for which order has been prescribed,

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like, Zuhr and Asr prayers or Maghrib and Isha prayers of the same day. However, it is better to maintain order in other qadha prayers also.

1385. If a person wishes to offer some qadha prayers for other than the daily prayer, like *Namaz-e-Ayaat*, or, for example, if he wishes to offer one daily prayer and a few other prayers, it is not necessary to maintain order in offering them.

1386. If a person forgets the sequential order of the prayers which he has not offered, it is better that he should offer them in such a way, that he would be sure that he has offered them in the order in which they lapsed. For example, if it is obligatory for him to offer one qadha prayer of Zuhr and one of Maghrib, and he does not know which of them lapsed first he should first offer one qadha for Maghrib and thereafter one Zuhr prayer, and then one Maghrib once again, or he should offer one Zuhr prayer and then one Maghrib prayer, and then one Zuhr prayer once again, so that he is sure that the qadha prayers which lapsed first has been offered first.

1387. If Zuhr prayers of one day and Asr prayers of another day, or two Zuhr prayers or two Asr prayers of a person becomes qadha, and if he does not know which of them lapsed first, it will be sufficient if he offers two prayers of four Rak'ats each, with the niyyat that the first is the qadha prayer of the first day, and the second is the qadha prayer of the second day.

1388. If one Zuhr prayer and one Isha prayer, or one Asr prayer and one Isha prayer of a person become qadha, and he does not know which of them lapsed first, it is better that he should perform their qadha in a way that would ensure that he has maintained the order. For example, if one Zuhr prayer and one Isha prayer have lapsed, and he does not know which of them lapsed first, he should first offer one Zuhr prayer, followed by one Isha prayer, and then one Zuhr prayer once again, or he should first offer one Isha prayer, and thereafter one Zuhr prayer, and then one Isha prayer once again.

1389. If a person knows that he has not offered a prayer consisting of four

Rak'ats, but does not know whether it is Zuhr or Isha, it will be sufficient to offer a four Rak'at prayer with the niyyat of offering qadha prayer for the namaz not offered. And as far as reciting loudly or silently, he will have an option.

1390. If five prayers of a person have lapsed one after another, and he does not know which of them was first, he should offer nine prayers in order. For example, he commences with Fajr prayer and after having offered Zuhr, Asr, Maghrib and Isha prayers, he should offer again Fajr, Zuhr, Asr and Maghrib prayers. This way he will ensure the requisite order.

1391. If a person knows that one prayer on each day has lapsed, but does not know its order, it is better that he should offer daily prayers of five days; and if his six prayers of six days have lapsed, he should offer six days' daily prayers. Thus for every qadha prayer of an additional day, he should offer an additional day's prayers, so that he may become sure that he has offered the prayers in the same order in which they had become qadha. For example, if he has not offered seven prayers of seven days, he should perform qadha prayers of seven days.

1392. If a person has a number of Fajr or Zuhr prayers qadha on him, and he does not know their exact number, or has forgotten, for example, if he does not know whether they were three, four or five prayers, it will be sufficient if he offers the smaller number. However, it is better that he should offer enough qadha to ensure, that he has offered all of them. For example, if he has forgotten how many Fajr prayers of his have become qadha and is certain that they were not more than ten, he should, as a measure of precaution, offer ten Fajr prayers.

1393. * If a person has only one qadha prayer of previous days, it is better that he should offer it first, and then start offering prayers of that day, if the time of Fadhilat is not lost. And if he has no pending qadha of previous days, but has one or more of the same day, it is better that he should offer qadha prayers of that day before offering

the present obligatory prayers, provided that, in so doing, the time of Fadhilat is not lost.

1394. * If a person remembers during the prayers that one or more prayers of that same day have become qadha, or that he has to offer only one qadha prayer of the previous days, he should convert his niyyat to qadha prayers, provided that (a) time allows, (b) converting the niyyat is possible, (c) and the time of Fadhilat is not lost. For example, if he remembers before Ruku of the third Rak'at in Zuhr that his Fajr prayers was qadha, and if the time for Zuhr is not limited, he should convert his niyyat to Fajr prayer, and complete it with two Rak'ats, and then offer Zuhr prayer. But, if the time is limited, or if he cannot convert his niyyat to qadha like, when he remembers in Ruku of the third Rak'at of Zuhr, that he has not offered the Fajr prayers, and by converting the niyyat to Fajr prayers, one Ruku which is a Rukn will increase, he should not change his niyyat to the qadha Fajr prayer.

1395. If a person is required to offer a number of qadha prayers of previous days, together with one or more prayers of that very day, and if he does not have time to offer qadha of all of them, or does not wish to offer qadha of all of them on that day, it is Mustahab to offer the qadha of that day before offering ada (the same day's) prayers, and it is better that after offering previous qadha, he should once again give qadha of that day, which he had offered earlier.

1396. As long as a person is alive, no other person can offer his qadha on his behalf, even if he himself is unable to offer them.

1397. Qadha prayers can be offered in congregation, irrespective of whether the prayers of the Imam are ada or qadha. And it is not necessary that both of them should be offering the same prayers; there is no harm if a person offers qadha Fajr prayers with the Zuhr prayer or Asr prayers of the Imam.

1398. It is recommended that a discerning child, one who can distinguish between good and evil, is made to form the habit of praying regularly, and to perform other acts of worship. In fact, it is Mustahab that he is encouraged to offer qadha prayers.

Qadha Prayers of a Father is Obligatory on the Eldest Son

1399. If a person did not offer some of his obligatory prayers, and did not

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care to give qadha, in spite of being able to do so, after his death, it is upon his eldest son, as an obligatory precaution to perform those qadha, provided that the father did not leave them as a deliberate act of transgression. If the son cannot do so, he may hire someone to perform them. The qadha prayers of his mother is not obligatory upon him, though it is better if he performs them.

1400. If the eldest son doubts whether or not his father had any qadha on him, he is under no obligation.

1401. If the eldest son knows that his father had a certain number of qadha prayers on him, but he is in doubt whether his father offered them or not, he should offer them, as an obligatory precaution.

1402. If it is not known as to who is the eldest son of a person, it is not obligatory on anyone of the sons to offer their father's qadha prayers. However, the Mustahab precaution is that they should divide his qadha between them, or should draw lots for offering them.

1403. If a dying person makes a *will* that someone should be hired to offer his qadha prayers, and if the hired person performs them correctly, the eldest son will be free from his obligation.

1404. If the eldest son wishes to offer the qadha prayers of his mother, then in the matter of loud or silent recitations in namaz, he will follow the rules which apply to him. So, he should offer the qadha prayers of his mother for Fajr, Maghrib and Isha prayers loudly.

1405. If a person has to offer his own qadha prayers, and he also wishes to offer the qadha prayers of his parents, whichever he offers first will be in order.

1406. * If the eldest son was minor, or insane at the time of his father's death, it will not be obligatory upon him to offer qadha of his father when he attains puberty or becomes sane.

1407. If the eldest son of a person dies before offering the qadha prayers of his father, it will not be obligatory on the second son.

Congregational Prayers

1408. It is Mustahab that obligatory prayers, especially the daily prayers, are performed in congregation, and more emphasis has been laid on congregational prayers for Fajr, Maghrib and Isha, and also for those who live in the neighbourhood of a mosque, and are able to hear its Adhan.

1409. It has been reported in authentic traditions, that the congregational prayers are twenty five times better than the prayers offered alone.

1410. It is not permissible to absent oneself from the congregational prayers unduly, and it is not proper to abandon congregational prayers without a justifiable excuse.

1411. * It is Mustahab to defer prayers with an intention to participate in congregational prayers, because a short congregational prayer is better than a prolonged prayer offered alone. It is also better than the individual prayer offered at its prime time. But it is not known whether a congregational prayer offered after the Fadhilat time could be better than the prayer offered alone, within the time of Fadhilat.

1412. When congregational prayers are being offered, it is Mustahab for a person, who has already offered his prayers alone, to repeat the prayers in congregation. And if he learns later that his first prayer was void, the second prayer will suffice.

1413. * If the *Imam* (leader) or the *Ma'mum* (follower) wishes to join a congregation prayer again, after having already prayed in congregation once, there is no objection if it is done with the niyyat of Raja', since its being Mustahab is not established.

1414. If a person is so obsessed with doubts and anxiety during prayers,

that it leads to its invalidity, and if he finds peace only in congregational prayers, he must offer prayers in congregation.

1415. * If a father or a mother orders his/her son to offer prayers in congregation, as a recommended precaution, he should obey. And if this order is based on parental love, and if disobedience would cause injury to their feelings, it is haraam for the son to disobey, even if it does not incur the parental wrath.

1416. * Mustahab prayers as a precaution cannot be offered in congregation in any situation, except *Istisqa* prayers (invoked for the rain) or prayers which were obligatory at one time, but became Mustahab later, like, *Eid ul Fitr* and *Eid ul Azha* prayers, which are obligatory during the presence of Ma'soom Imam (A.S.) and are Mustahab during his occultation.

1417. When an Imam is leading a congregation for the daily prayers, one can follow him for any of the daily prayers.

1418. * If Imam of the congregation is offering his own qadha, or on behalf of another person whose qadha is certain, he can be followed. However, if he is offering the qadha, his own or on behalf of the other, as a precaution, it is not permissible to follow him, unless the prayers being offered by the follower is also based on a precaution similar to that of Imam. However, it is not necessary that the follower may not have another reason for precaution.

1419. If a person does not know whether the prayers of Imam is an obligatory daily prayer or Mustahab prayer, he cannot follow him.

1420. * For the validity of congregation, it is a condition that there should be no obstruction between the Imam and the follower, nor between one follower and the other follower, who is a link between him and the Imam. An obstruction means something which separates them, regardless of whether it prevents seeing each other, like in the case of a curtain, or a wall, or does not prevent, like in the case of a glass wall. Therefore, if there is an obstruction, at any time of the prayers, between Imam and the follower or between the followers themselves, thus breaking the link, congregation will be void.

But women are exempted from this rule, as will be explained in due course.

1421. If the persons standing at the end of the first row, cannot see the Imam because the line is very long, they can still follow him; similarly if the following rows are very long, and persons standing at the far end cannot see the line before, they can follow the congregation.

1422. If the rows of the congregation extend to the gate of the mosque, the prayers of a person standing in front of the gate behind the line will be in order, and the prayers of those followers who stand behind him will also be valid. In fact, the prayers of those who are standing on either sides, and are linked with the congregation by means of another follower, will also be in order.

1423. If a person who is standing behind a pillar is not linked with the Imam by another follower from either side, he cannot&127; follow the Imam.

1424. * The place where Imam stands should not be higher than the place of the follower, unless the height is negligible. And, if the ground has a slope, the Imam should stand at the higher end. But if the slope is so small that people ordinarily consider the ground as flat, there will be no objection.

1425. In the congregational prayers, there is no objection if the place where followers stand is higher than that of the Imam. But if it is so high, that it cannot be considered that they have assembled together, then the congregation is not in order.

1426. * If a discerning child, one who is able to distinguish good from evil, stands between two persons in one line, thus causing a distance, their prayers in congregation will be valid as long as they do not have knowledge about that child's namaz having become void.

1427. If after the *takbir* of the Imam, the persons in the front row are ready for prayers and are about to say *takbir*, a person standing in the back row can say *takbir*. However, the recommended precaution is that he should wait, till the *takbir* of the front row has been pronounced.

1428. If a person knows that the prayers of one of the rows in front is void, he cannot follow the Imam in the back rows, but if he does not know whether the prayers of those persons are in order or not, he may follow.

1429. If a person knows that the prayers of the Imam is void - like, if he knows that the Imam is without Wudhu, though the Imam himself may not be mindful of the fact, he cannot follow that Imam.

1430. * If the follower learns after the prayers, that the Imam was not a just person (*'Adil*), or was a disbeliever, or his namaz was void for any other reason, like, having no Wudhu, his own namaz will be valid.

1431. * If a person doubts during namaz whether he has followed the Imam or not, he will rely upon the signs which satisfactorily lead him to believing that he has been following. For example, if he finds himself listening silently to the Qir'at of Imam, he should complete the prayers with the congregation. But if he is in a situation where no such decision can be made, he should complete his prayers as one offered individually (i.e.Furada).

1432. * If a person decides to separate himself during congregational namaz into the niyyat of Furada without any excuse, his congregational prayers will be incorrect, but his namaz will be valid. Except when he has not acted according to the rules related to Furada prayers, or if he has committed an act which invalidates Furada prayers, like having performed an extra Ruku. In fact, in certain&127; situation, his prayers will be valid even if he has not followed the rules of Furada. For example, if he did not have the intention from the beginning to separate himself, and therefore did not recite Qira't, and decided in Ruku, his prayer will be valid when converted to Furada.

1433. * If the follower makes an intention of Furada after the Imam has recited *Surah al-Hamd* and the other Surah, because of some good excuse, it will not be necessary for him to recite *Surah al-Hamd* and the other Surah. But if he makes the intention of Furada before Imam has completed *Surah al-Hamd* and the other Surah, it will be necessary for him to recite the part recited by the Imam.

1434. * If a person makes the intention of Furada during the congregation prayers, he cannot revert back to congregational prayers again. But, if he is undecided whether he should make the intention of Furada or not, and eventually decides to end the prayers with congregation, his prayers with the congregation will be in order.

1435. If a person doubts whether he had made an intention of Furada during the congregational prayers, he should consider that he had not made the intention.

1436. * If a person joins the Imam at the time of Ruku, and participates in Ruku of the Imam, his prayer is in order, even if the Zikr by the Imam may have come to an end. It will be treated as one Rak'at. However, if he goes to Ruku and misses Imam's Ruku, he can complete his prayers as Furada.

1437. * If a person joins the Imam when he is in Ruku, and as he bows, he doubts whether or not he reached the Ruku of the Imam, his congregational prayer will be valid if that doubt occurs after the Ruku was over. Otherwise, he can complete his prayers with the niyyat of Furada.

1438. * If a person joins the Imam when he is in Ruku, but before he bows to Ruku, the Imam raises his head from his Ruku, that person has a choice either to complete his prayers as Furada, or to continue with the Imam upto Sajdah, with the niyyat of *Qurbat*. Then when he stands, he can do *takbir* other than *Takbiratul Ihram*, as a general Zikr, and continue with the congregation.

1439. If a person joins the Imam from the beginning of the prayers or during the time of *Surah al-Hamd* and the other Surah, and if it so happens that, before he goes into

Ruku, Imam raises his head from Ruku, his prayers will be in order.

1440. * If a person arrives for prayers when the Imam is reciting the last tashahhud, and if he wishes to earn 'thawab' of congregational prayers, he should sit down after making niyyat, and pronouncing *takbiratul ehram*, and may recite tashahhud with the Imam, but not the *Salam*, and then wait till

the Imam says *Salam* of the prayers. Then he should stand up, and without making niyyat and *takbir*, begin to recite *Surah al-Hamd* and the other Surah treating it as the first Rak'at of his prayers.

1441. * The followers should not stand in front of the Imam, and, as an obligatory precaution, when the followers are many, they should not stand in line with Imam. But if there is only one male follower, he may stand in line with Imam.

1442. If the Imam is a male and the follower is a female, and if there is a curtain or something similar between that woman and the Imam, or between that woman and another male follower, and the woman is linked to the Imam through that male, there is no harm in it.

1443. If after the commencement of the prayers, a curtain or something similar intervenes between the follower and the Imam, or between one follower and the other, through whom the follower is linked to the Imam, the congregation will be invalidated, and it will be necessary for the follower to act according to Furada obligation.

1444. * As an obligatory precaution, the distance between the place where the follower performs Sajdah, and where the Imam stands, should not be more than a foot, and the same rule applies to a person who is linked with the Imam through another follower standing in front. And the recommended precaution is that the distance between the rows should be just enough to allow a person to do Sajdah.

1445. * If a follower is linked to the Imam by means of a person, on his either side, and is not linked to the Imam in front, the obligatory precaution is that he should not be at a distance of more than a foot from his companions on either side.

1446. If during the prayers, a distance of one foot occurs between the follower and the Imam, or between the follower and the person through whom he is linked to the Imam, he (the follower) will be isolated and can, therefore, continue as Furada.

1447. * If the prayers of all the persons who are in the front row comes to an end, and if they do not resume congregational prayers, the congregational prayers of the person in the back rows will be void. In fact, even if they resume, the validity of congregational prayers of the people in the back rows is questionable.

1448. * If a person joins the Imam in the second Rak'at, it is not necessary for him to

recite *Surah al-Hamd* and Surah, but he may recite qunut and tashahhud with the Imam, and the precaution is that, at the time of reciting tashahhud, he should keep the fingers of his hands and the inner part of his feet on the ground and raise his knees. And after the tashahhud, he should stand up with the Imam and should recite *Surah al-Hamd* and Surah. And if he does not have time for the other Surah, he should complete *Surah al-Hamd*, and join the Imam in Ruku, and if he cannot join the Imam in Ruku, he can discontinue *Sura al-Hamd* and join. But in this case, the recommended precaution is that he should complete his prayers as Furada.

1449. If a person joins the Imam when he is in the second Rak'at of the namaz having four Rak'ats, he should sit after the two Sajdah in the second Rak'at, which will be the third of the Imam, and recite Wajib parts of tashahhud, and should then stand up. And if he does not have time to recite the *Tasbihat Arba'ah* thrice, he should recite it once, and then join the Imam in Ruku.

1450. If Imam is in the third or fourth Rak'at, and one knows that if he joins him and recite *Surah al-Hamd* he will not be able to reach him in Ruku, as an obligatory precaution, he should wait till Imam goes to Ruku and then join.

1451. * If a person joins the Imam when he is in the state of qiyam of third or fourth Rak'at, he should recite *Surah al-Hamd* and the other Surah, and if he does not have time for the other Surah, he should complete *Surah al-Hamd* and join the Imam in Ruku. But if he has no time even for *Surah al-Hamd*, he may leave it incomplete and join Imam in Ruku. But in this case, the recommended precaution is that he should change to Furada.

1452. * If a person who knows that if he completes Surah or qunut, he will

not be able to join the Imam in his Ruku, yet he purposely recites Surah or qunut, and misses the Imam in Ruku, his congregational prayer will be void, and should act accordingly to the rules of Furada prayers.

1453. * If a person is satisfied that if he commences a Surah or completes it, he will be able to join the Imam in his Ruku, provided that the Surah does not take very long, it is better for him to commence the Surah or to complete it, if he has already started. But if the Surah will take too long, till no semblance of congregation exists, he should not commence it, and if he has commenced it, he should not complete it.

1454. * If a person is sure that if he recites the other Surah, he will be able to join the Imam in Ruku, and then if he recites the Surah and misses the Imam in Ruku, his congregational prayers are in order.

1455. If Imam is standing, and the follower does not know in which Rak'at he is, he can join him, but he should recite *Surah al-Hamd* and the other Surah with the niyyat of *Qurbat* though he may come to know later that the Imam was in the first or second Rak'at.

1456. * If a person does not recite *Surah al-Hamd* and Surah, under the impression

that the Imam is in the first or second Rak'at, and realises after Ruku that he was in the third or fourth, his prayers are in order. However, if he realises this before Ruku, he should recite *Surah al-Hamd* and the other Surah, and if he does not have sufficient time for this, he should act according to rule no. 1451.

1457. If a person recites *Surah al-Hamd* and Surah under the impression that the Imam is in the third or fourth Rak'at, and realises before or after Ruku that he was in the first or second, his (i.e. the followers') prayers are in order, and if he realises this while reciting *Surah al-Hamd* and the other Surah, it will not be necessary for him to complete them.

1458. If a congregational prayer begins while a person is offering a Mustahab prayers, and if he is not sure that if he completes his Mustahab prayers, he will be able to join the congregational prayers, it is Mustahab to

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abandon the Mustahab prayers, and join the congregational prayers. In fact, if he is not certain that he will be able to join the first Rak'at, he should follow this rule.

1459. If a congregational prayer begins while a person is offering a prayer of three or four Rak'ats, and if he has not gone into Ruku of the third Rak'at, and is not sure whether upon completion, he will be able to join the congregational prayers, it is Mustahab to end the prayers with the niyyat of Mustahab prayers of two Raka'ts, and join the congregational prayers.

1460. If the prayers of the Imam comes to an end, but the follower is still reciting tashahhud or the first Salam, it is not necessary for him to make the intention of Furada.

1461. * If a person is behind the Imam by one Rak'at, it is better that when the Imam is reciting tashahhud of the last Rak'at, he (the follower) should place the fingers of his hands and the inner part of his feet on the ground, and raise his knees, and wait till the Imam says Salam of the prayers and then stand up. And if he makes niyyat of Furada at that very moment, there is no harm in it.

Qualification of an Imam of Congregational Prayers

1462. * The Imam of the congregational prayers should be:

- Adult (Baligh)
- Sane
- Ithna 'Ashari Shi'ah
- 'Adil
- Of legitimate birth
- Being able to offer the prayers correctly

Furthermore, if the follower is a male, the Imam also should be a male. To follow a boy of ten years of age is a matter of *Ishkal*.

1463. If a person who once considered an Imam to be *'Adil*, doubts whether he continues to be *'Adil*, he can follow him.

1464. A person who offers prayers standing, cannot follow a person who offers his prayers while sitting or lying, and a person who offers his prayers while sitting, cannot follow a person who offers his prayers while lying.

1465. A person who offers prayers sitting, can follow another person who offers his prayers while sitting. But if a person offers prayers while lying, for him to follow a person who offers prayers in sitting or lying position is a matter of Ishkal.

1466. If Imam, because of some justified excuse, leads the prayers in a najis dress, or with tayammum, or *jabira* Wudhu, it is permissible to follow him.

1467. If Imam is suffering from incontinence, whereby he cannot control his urine or excretion, it is permissible to follow him. Moreover, a woman, who is not *mustahaza* can follow a woman who is *mustahaza*.

1468. * It is better that a person who suffers from blotches or leprosy does not lead the congregational prayers, and, on the basis of obligatory precaution, a person who has been subjected to Islamic punishment should not be followed.

Rules of Congregational Prayers

1469. When a follower makes his niyyat, it is necessary for him to specify the Imam. But, it is not necessary for him to know his name. If he makes niyyat that he is following the Imam of the present congregation, his prayer is in order.

1470. It is necessary for the follower to recite all the things of the prayers himself, except *Surah al-Hamd* and the other Surah. However, if his first or second Rak'at coincides with third or fourth Rak'at of the Imam, he should recite *Surah al-Hamd* and Surah.

1471. If the follower hears *Surah al-Hamd* and Surah of Imam in the first and second Rak'at of the Fajr, Maghrib and Isha prayers, he should not recite

them, even if he may not be able to distinguish the words. And if he does not hear the voice of the Imam, it is Mustahab that he should recite *Surah al-Hamd* and Surah silently. But if he recites them loudly by mistake, there is no harm.

1472. * If the follower hears some words of Surah al-Hamd and the other Surah recited by Imam, he may recite as much as he cannot hear.

1473. If the follower recites *Surah al-Hamd* and the other Surah by mistake, or recites *Surah al-Hamd* and Surah thinking that the voice he heard was not the voice of Imam, and if he later realises that it was the voice of Imam, his prayers are in order.

1474. If a follower doubts whether he is hearing the voice of Imam, or if he does not know whether the voice he hears is that of Imam or someone else, he can recite *Surah al-Hamd* and the other Surah.

1475. *The follower should not recite *Surah al-Hamd* and Surah in the first and second Rak'ats of Zuhr and Asr prayers and it is Mustahab that instead of them he should recite Zikr.

1476. The follower should not say *Takbiratul ehram* before the Imam. As an obligatory precaution, he should not say the *takbir* until the *takbir* of the Imam is completed.

1477. * If the follower says the Salam by mistake, before the Imam does it, his prayer is in order, and it is not necessary that he should say Salam again along with the Imam. And even if he says Salam before the Imam intentionally, there is no objection.

1478. * If a follower recites other parts of prayers other than *Takbiratul ehram* before the Imam, there is no objection. But, if he hears them being recited by the Imam, or if he knows when Imam is going to recite them, the recommended precaution is that he should not recite them before the Imam.

1479. It is necessary for the follower that, besides that which is recited in the

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prayers, he should perform all acts like Ruku and Sajdah with the Imam or a little after him, and if he performs them before the Imam, or after a considerable delay, intentionally, his congregational prayers becomes void. However, if he converts to Furada, his prayers will be in order.

1480. * If a follower raises his head from Ruku before the Imam by mistake, and if the Imam is still in Ruku, he (the follower) should return to Ruku, and then raise his head with the Imam. In this case, the extra Ruku, which is a Rukn, will not invalidate the prayers. However, if Imam raises his head before the follower reaches him, as a precaution, the prayer of the follower will be void.

1481. * If a follower raises his head by mistake, and sees that the Imam is in Sajdah, as a precaution, he should return to Sajdah, and if it happens in both the Sajdah, the prayers will not be void, although a Rukn has been added.

1482. * If a person raises his head from Sajdah before the Imam by mistake, and as he returns to Sajdah he realises that the Imam has already raised his head, his prayer is in order. But, if it happens in both the Sajdah, as a precaution, his prayer is void.

1483. If a follower raises his head from Ruku or Sajdah before Imam by mistake, and does not return to Ruku or Sajdah forgetfully, or thinking that he will not reach the Imam, his congregational prayer is in order.

1484. If a follower raises his head from Sajdah and sees that the Imam is still in Sajdah, he joins the Imam in Sajdah thinking that it is Imam's first, and later realises that it was actually Imam's second, the follower should consider his own Sajdah also as second. But if he goes into Sajdah thinking that it is the second Sajdah of Imam, and later learns that it was Imam's first, he should join Imam in that Sajdah, and also

in the subsequent one. In both the cases, however, it is better that he prays again, after completing the congregational prayers.

1485. If a follower goes to Ruku before the Imam by mistake, and realises that if he raises his head, he may reach some part of the *Qir'at* (surah) of the

Imam, and if he does so, then goes to Ruku again with the Imam, his prayers are in order. And if he does not return intentionally, his prayers are void.

1486. If a follower goes to Ruku before Imam by mistake, and realises that if he returns to the state of Qiyam, he will not reach any part of the Qir'at of Imam, if he raises his head just for the sake of offering prayers with the Imam, and then goes to Ruku again with Imam, his congregational prayers are in order. Also, if he does not return (to the state of Qiyam) intentionally, his prayers will be in order, and will become Furada.

1487. If a follower goes to Sajdah before the Imam by mistake, and if he raises his head with the intention of joining Imam, and doing Sajdah with the Imam, his congregational prayers are in order. And if he does not return intentionally, his prayers are in order, but it will turn into Furada.

1488. If Imam mistakenly recites qunut in a Rak'at which does not have qunut, or recites tashahhud in a Rak'at which does not have tashahhud, the follower should not recite qunut or tashahhud. But, he cannot go to Ruku before the Imam or rise before the Imam rises. In fact, he should wait till the qunut or tashahhud of Imam ends, and offer the remaining prayers with him.

Guidelines for Imam and the Follower

1489. * If there is only one male follower, it is Mustahab that he stands at the right hand side of Imam, and if there is only one female follower, she will stand in the same direction, but slightly behind so that when she goes to Sajdah, her head is in line with Imam's knees. If there is one male, and one or more females in the congregation, the male will position himself to the right of Imam, and the females will all stand behind Imam. When there are many men and one or many women in the congregation, men will stand behind Imam, and women will stand behind the male followers.

1490. If Imam and the followers are both women, the obligatory precaution is that all of them should stand in a line, and the Imam should not stand in front of others.

1491. It is Mustahab that the Imam positions himself in the middle of the line, and the learned and pious persons occupy the first row.

1492. It is Mustahab that the rows of the congregation are properly arranged, and that there be no gap between the persons standing in one row; all standing shoulder to shoulder.

1493. It is Mustahab that after the *Qadqa* matis salah' has been pronounced, the followers should rise.

1494. It is Mustahab that the Imam of the congregation should take into account the condition of those followers who may be infirm or weaker, and should not prolong qunut, Ruku and Sajdah, except when he knows that the people following him are so inclined.

1495. It is Mustahab that while reciting *Surah al-Hamd* and the other Surah, and the Zikr loudly, the Imam of the congregation makes his voice audible. But care must be taken to see that the voice is not abnormally loud.

1496. If Imam realises in Ruku, that a person who has just arrived wants to join him, it is Mustahab that he prolongs the Ruku twice over. He should then stand up, even if he may realise that another&127; person has also arrived to join.

Things which are Makrooh in Congregational Prayers

1497. If there is vacant space in the rows of the congregation, it is Makrooh for a person to stand alone.

1498. It is Makrooh for the follower to recite the Zikr in the prayers in such a way that Imam hears them.

1499. It is Makrooh for a traveller, who offers Zuhr, Asr and Isha prayers in shortened form (two Rak'ats), to follow a person who is not a traveller. And it is Makrooh for a person who is not a traveller to follow a traveller in those prayers.

Namaz-e-Ayaat

1500. * Namaz-e-Ayaat whose methods will be explained later, becomes obligatory due the following four things:

- Solar Eclipse
- Lunar Eclipse

The prayer becomes Wajib even if the moon or the sun are partially eclipsed, and even if they do not engender any fear.

- Earthquake, as an obligatory precaution, even if no one is frightened.
- Thunder and lightning, red and black cyclone and other similar celestial phenomena, which frightens most of the people; similarly for the terrestrial events like receding sea water, or falling mountains which engender fear in these circumstances, as per recommended precaution, Namaz-e-Ayaat be offered.

1501. If several events which make Namaz-e-Ayaat obligatory occur together, one should offer Namaz-e-Ayaat for each of them. For example, if solar eclipse as well as an earthquake take place, one should offer separate Namaz-e-Ayaat for each of these two occurrences.

1502. If a number of qadha Namaz-e-Ayaat is obligatory on a person, irrespective of whether they have become obligatory due to one and the same thing, like, solar eclipse occurring three times, or due to different events like solar eclipse, lunar eclipse and earthquake, it is not necessary for him while offering the qadha prayers to specify the event for which he is offering the prayer.

1503. Offering of Namaz-e-Ayaat is obligatory for the residents of only that town in which the event takes place. It is not obligatory for the people of other towns.

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1504. * The time of Namaz-e-Ayaat sets in as the eclipse starts, and remains till the eclipse is over. It is better, however, not to delay till the reversal of eclipse commences, though completion of Namaz-e-Ayaat may coincide with the time of reversal.

1505. If a person delays offering of Namaz-e-Ayaat till the sun or the moon starts coming out of eclipse, the niyyat of Ada (i.e. praying within time) will be in order, but if he offers the prayers after the eclipse is over, he should make a niyyat of qadha.

1506.* If the duration of solar or lunar eclipse allows time for one or less Rak'at, Namaz-e-Ayaat can be offered with the niyyat of Ada. Similarly, if a person has enough duration of eclipse at his disposal, but he delays till the time to offer one Rak'at remains before the eclipse is over, he will pray with the niyyat of Ada (i.e. within time).

1507. * When earthquake, thunder lightning and other similar events take place, a person should offer Namaz-e-Ayaat immediately, not allowing undue delay. But if these occurrences continue for a protracted time, praying immediately is not obligatory. If one delays when one should not, then, as per recommended precaution, Namaz-e-Ayaat should be offered without the niyyat of ada or qadha.

1508. If a person did not know about the sun or the moon eclipse, and came to know after the eclipse was over, he should give its qadha if it was a total eclipse. And if he comes to know that the eclipse was partial, qadha will not be obligatory.

1509. * If certain people say that the sun or the moon has been eclipsed, but a person hearing that is not satisfied with what they say, and consequently does not offer Namaz-e-Ayaat, if it transpires later that what they said was true, the person should offer Namaz-e-Ayaat if it was a total eclipse. And if it was a partial eclipse, it is not obligatory upon him to offer Namaz-e-Ayaat. The same rule applies if two persons who he does not consider *Adil*, say that the sun or the moon has been eclipsed and it transpires later that they are *Adil"*.

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1510. * If a person is satisfied with the statement of persons who know the time of solar or lunar eclipse according to scientific calculation, he should pray Namaz-e-Ayaat. Also, if they inform him that the sun or moon will be eclipsed at a particular time, and give him the duration of the eclipse, he should accept their words and act

accordingly, provided he is fully satisfied with them.

1511. If a person realises that Namaz-e-Ayaat offered by him was void, he should offer it again. And if the time has passed, he should offer its qadha.

1512. If Namaz-e-Ayaat becomes obligatory on a person at the time of daily prayers, and if he has enough time at his disposal for both, he can offer any of them first. If the time for one of them is short, he should offer that prayers first, and if the time for both of them is short, he should offer the daily prayers first.

1513. If a person realises during the daily prayers that the time for Namaz-e-Ayaat is short, and if the time for daily prayers is also short, he should complete the daily prayers and then offer Namaz-e-Ayaat. But if the time for daily prayers is not short, he should break that prayers and first offer Namaz-e-Ayaat and then offer the daily prayers.

1514. If a person realises while offering Namaz-e-Ayaat, that the time for daily prayers is short, he should leave Namaz-e-Ayaat and start offering the daily prayers. After completing the daily prayers, and before performing any act which invalidates the prayers, he should start Namaz-e-Ayaat from where he left.

1515. * If solar or lunar eclipse, thunder, lightning or any other similar events take place when a woman is in her menses or nifas, it will not be obligatory for her to offer Namaz-e-Ayaat, nor is there any qadha upon her.

Method of Offering Namaz-e-Ayaat

1516. Namaz-e-Ayaat consists of two Rak'ats, and there are five Ruku in each. Its method is as follows: After making niyyat of offering the prayers, one should say *takbir* (*Allahu Akbar*) and recite *Surah al-Hamd* and the other

Surah, and then perform the Ruku. Thereafter, he should stand and recite *Surah al-Hamd* and a Surah and then perform another Ruku. He should repeat this action five times, and, when he stands after the fifth Ruku, he should perform two Sajdah, and then stand up to perform the second Rak'at in the same manner as he has done in the first. Then he should recite tashahhud and Salam.

1517. * Namaz-e-Ayaat can also be offered in the following manner:

After making niyyat to offer Namaz-e-Ayaat, a person is allowed to say *takbir* and recite *Surah al-Hamd* and then divide the verses of the other Surah into five parts, and recite one verse or more or less, and thereafter perform the Ruku. He should then stand up and recite another part of the Surah (without reciting *Surah al-Hamd*) and then perform another Ruku. He should repeat this action, and finish that Surah before performing the fifth Ruku. For example, he may say: *Bismillahir Rahmanir Rahim* with the niyyat of reciting *Surah al-Ikhlas*, and perform the Ruku. He should then stand up and say, *Qul huwallahu Ahad*, and perform another Ruku. He should then stand up and say, *Allahus Samad*, and perform the third Ruku. Thereafter he should stand up again and say, *Lam yalid walam yulad*, and perform the fourth Ruku. Then

he should stand up again and say, *Walam yakullahu Kufuwan ahad*, and then perform two Sajdah and then rise for the second Rak'at, the same way as the first Rak'at. At the end, he should recite tashahhud and Salam after the two Sajdah.

It is also permissible to divide a Surah into less than five parts. In that event, however, it is necessary that when the Surah is over, one should recite *Surah al-Hamd* before the next Ruku.

1518. There is no harm if in one Rak'at of Namaz-e-Ayaat, a person after *Surah Al Hamd* recites another Surah five times, and in the second Rak'at recites *Surah Al Hamd*, and divides the other Surah into five parts.

1519. * The things which are obligatory and Mustahab in daily prayers are also obligatory and Mustahab in Namaz-e-Ayaat. However, if Namaz-e-Ayaat is offered in congregation, one may say *'As-salaat'* three times in place of Adhan and Iqamah. If the prayer is not being offered in congregation, it is not necessary to say anything.

1520. It is Mustahab that the person offering Namaz-e-Ayaat should say *takbir* before and after Ruku, and after the fifth and tenth Ruku he should say *Sami'allahu liman hamida* before *takbir*.

1521. It is Mustahab that qunut be recited before the second, fourth, sixth, eighth and tenth Ruku, but it will be sufficient if qunut is recited only before the tenth Ruku.

1522. If a person doubts as to how many Rak'ats he has offered in Namaz-e-Ayaat, and is unable to arrive at any decision, his prayer is void.

1523. * If a person doubts whether he is in the last Ruku of the first Rak'at, or in the first Ruku of the second Rak'at, and he cannot arrive at any decision, his Namaz-e-Ayaat is void. But if he doubts whether he has performed four Ruku or five, and if the doubt takes place before he goes into Sajdah, he should perform the Ruku about which he is doubtful. But if he has reached the stage of Sajdah, he should ignore his doubt.

1524. * Every Ruku of Namaz-e-Ayaat is a Rukn, and if any addition or deduction takes place in them, the prayer is void. Similarly, if an omission takes place inadvertently, or, as a precaution, an addition is made to it unintentionally, the prayers will be void.

Eid ul Fitr and Eid ul Azha Prayers

1525. *Eid ul Fitr* and *Eid ul Azha* prayers are obligatory during the time of Imam (A.S.), and it is necessary to offer them in congregation. However during the present times when the Holy Imam is in Occultation, these prayers are Mustahab, and may be offered individually as well as in congregation

1526. The time for *Eid* prayers is from sunrise till Zuhr.

1527. It is Mustahab that *Eid ul Azha* prayers is offered after sunrise. As for Eid ul *Fitr*, it is Mustahab that one should have a breakfast after sunrise, pay *Zakatul Fitr* and then offer *Eid* prayers.

1528. * *Eid* prayers has two Rak'ats. In the first Rak'at, a person should recite *Surah al Hamd* and a Surah and then they say five *takbirs*, and after every *takbir* he should recite qunut. After the fifth qunut, he should say another *takbir* and then perform Ruku and two Sajdah. He should then stand up and say four *takbirs* in the second Rak'at, and recite qunut after everyone of these takbirs. Thereafter, he should say the fifth *takbir* and then perform Ruku and two Sajdah. After the second Sajdah he should recite tashahhud, and then complete the prayers with Salam.

1529. Any recital or Dua will suffice in qunut of the *Eid* Prayers. However, it is better that the following Dua is recited: *Allahumma ahlal kibriya'i wal 'azamah, wa ahlal judi wal jaburat, wa ahlal 'afwi war rahmah, wa ahlat taqwa wal maghfirah. As aluka bihaqqi hazal yawmil lazi ja'altahu lil muslimina 'ida, wali Muhammadin sal lal lahu 'Alaihi wa Alihi, zukhran wa sharafan wa karamatan wa mazida an tusalliya 'ala Muhammad wa Ali Muhammad wa an tudkhilani fi kulli khayrin adkhalta fihi Muhammadan wa Ala Muhammad wa an tukhrijani min kulli su'in akhrajta minhu Muhammadan wa Ala Muhammad salawatuka 'alahi wa 'alahim. Alla humma inni as aluka khayra ma sa alaka bihi ibadukas salihun, wa auzubika mim masta aza minhu ibadukal mukhlasun*.

1530. * During the period 0ccultation of Imam (A.S.), it is an obligatory precaution that two sermons (*khutbas*) be delivered after *Eid* prayers, and it is better that on *Eid ul-fitr*, the sermons should explain rules regarding *Zakatul Fitr*, and on *Eid ul-Azha*, rules regarding sacrificing the animals be explained.

1531. No particular Surah has been specified for *Eid* prayers. But, it is better that after reciting *Surah al Hamd* in the first Rak'at, *Surah Wash Shams* be recited and in the second Rak'at *Surah al Ghashiya*. Or in the first Rak'at, to recite *Surah of Sabbi Hism*, and in the second Rak'at *Surah Wash Shams*.

1532. It is recommended that *Eid* prayers be performed in the open fields. However, in Makkah, it is Mustahab that it should be offered in Masjidul Haram.

1533. It is Mustahab to walk barefooted to attend Eid prayers, with all the dignity, and to do Ghusl before namaz, and to place a white turban on one's head.

1534. It is Mustahab that in *Eid* prayers Sajdah be performed on earth, and hands be raised while saying *takbirs*. It is also Mustahab that a person who is offering *Eid* prayers alone, or as an Imam of the congregation, recites prayers loudly.

1535. It is Mustahab that the following *takbirs* be said on *Eid ul Fitr* night (ie night preceding the *Eid* day), after Maghrib and Isha prayers, and on *Eid* day after Fajr prayers, as well as after *Eid ul fitr* prayers: *Allahu Akbar, Alllahu Akbar, la ilaha illal*

lah wallahu akbar, Allahu Akbar, wa lilla hil hamd, Allahu akbar ala ma hadana

1536. In *Eid ul Azha*, it is Mustahab that the above mentioned *takbirs* be said after ten prayers, of which the first is the Zuhr prayers of *Eid* day and the last is the Fajr of 12th Zillhajj. It is also Mustahab that after the above mentioned *takbirs*, the following be recited: *Allahu Akbar 'ala ma razaqana min bahimatil an 'am, wal hamdu lil lahi ala ma ablana*.

If, a person happens to be in Mina on the day of *Eid ul Azha*, it is

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Mustahab that he should say these *takbirs* after fifteen prayers, of which the first is Zuhr prayers of Eid day, and the last is the Fajr prayers of the 13th of Zillhajj.

1537. The recommended precaution is that women should avoid going to offer *Eid* prayers. This precaution does not apply to elderly women.

1538. Like in all other prayers, the follower should recite everything in the *Eid prayers*, except *Surah al-Hamd* and the other Surah.

1539. If a follower joins the prayers at a time when the Imam has already said some *takbirs*, he should, while the Imam performs Ruku, say all the *takbirs* and qunut which he has missed, and it will be sufficient if in each qunut he says: *Subhanallah or Alhamdu lillah* only.

1540. If a person joins the *Eid* prayers when the Imam is in Ruku, he can make niyyat, say the first *takbir* of the prayers, and then go into Ruku.

1541. If a person forgets one Sajdah in *Eid* prayers, he should perform it after the prayers. Similarly, if something takes place for which a *Sajadatus Sahv* would be necessary after daily prayers, it will also be necessary after the *Eid* prayers.

Hiring a Person to Offer Prayers

1542. After the death of a person, another person can be engaged to offer, on payment of wages, those prayers and other acts of worship which the dead person did not offer during his lifetime. And it is also in order if a person offers the services without taking payment for it.

1543. * A person can accept engagement to offer some Mustahab acts like Ziyarat, Umrah, Hajj, on behalf of the living persons. Also he can perform some Mustahab acts, and dedicate their *thawab* to living or dead persons.

1544. * A person who is hired to offer the qadha prayers of a dead person, should be a *Mujtahid*, or should know the rules of the prayers correctly according to *Taqleed*, or should act according to precaution, provided that he knows fully on what occasions precaution is to be observed.

1545. At the time for making niyyat, the hired person must specify the dead person, but it is not necessary that he should know his/her name. Hence, it is enough if he intends: *"I am offering prayers for the person on whose behalf I am hired.*"

1546. The hired person should act with the niyyat that he is acting to discharge the obligation of the dead person. It will not be enough if he performs and dedicates its *thawab* to the dead person.

1547. One who hires a person, should be satisfied that the hired person will perform the act for which he is hired.

1548. If it transpires that the person hired for offering prayers for a dead person has not performed it, or has performed incorrectly, another person should be hired for the purpose.

1549. * If a person doubts whether or not the hired person has performed

the act, and in spite of the hired person's assurance, he is not satisfied, he must hire another person. But if he doubts whether or not the hired person has performed it correctly, he should presume that it has been correct.

1550. * A person who has some excuse (for example, if he offers prayers with *tayammum* or in a sitting position) should never be hired for offering prayers for a dead person, even if the prayers of the dead person may have become qadha that way.

1551. A man can be hired on behalf of a woman, and a woman can be hired on behalf of a man, and in the matter of offering prayers loudly or silently, the hired person should act according to his/her own obligation.

1552. Observing order is not obligatory for the qadha prayers of a dead person, except in the case of prayers whose performance is prescribed in an order, like, Zuhr and Asr prayers or Maghrib and Isha prayers of one day, as has been mentioned earlier.

1553. If it is agreed with the hired person that he will accomplish it in a particular manner, the hired person should follow the agreement. If nothing has been agreed, then he can perform according to his own obligation. And the recommended precaution is that between his own obligation and that of the dead person, he should choose that which is nearer to precaution - for example if the obligation of the dead person was to say *tasbihat arba'ah* (recital of the third or fourth Rak'at while standing) three times, and his own obligation is to say it once, he should recite three times.

1554. If it is not agreed with the hired person how many Mustahab acts he will perform, he should perform as much as is usual.

1555. If a person engages several people for offering the qadha prayers of a dead person, it is necessary, as explained in rule no.1552, that he should fix a time for each

one of them.

1556. If, a hired person agrees to offer the prayers of a dead person within one year, but he dies before the year ends, another person should be hired

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to offer the uncompleted prayers. And if he feels that the hired person probably did not offer some prayers, even then, as an obligatory precaution, another person should be hired.

1557. * If a person hired for offering the prayers of a dead person, dies before offering all the prayers, and if he had taken wages for all the prayers, if the hirer has placed a condition that he would offer all the prayers himself, the hirer can take back the proportionate amount of wages for the remaining prayers. Or he can cancel the contract and pay an adequate sum. And if it was not agreed that the hired person would offer all the prayers himself, then the heirs of the deceased should pay from his estate, and engage another person to complete the task. And if there is nothing in the estate, it is not obligatory upon the heirs.

1558. If the hired person dies before offering all the qadha prayers of the dead, and if he himself had some qadha of his own, if there is any residue from his estate after acting according to the above rule, someone should be hired to perform all his qadha if he has *willed*, and his heirs give permission. And if they do not permit, his one-third (thuluth) should be spent for the qadha prayers.

Fasting

Fasting means that a person must, in obedience to the commands of Allah, from the time of *Adhan* for Fajr prayers up to Maghrib, avoid nine things which will be mentioned later.

Niyyat for Fasting

1559. * It is not necessary for a person to pass the niyyat for fasting through his mind or to say that he would be fasting on the following day. In fact, it is sufficient for him to decide that in obedience to the command of Allah he will not perform from the time of *Adhan* for Fajr prayers up to Maghrib, any act which may invalidate the fast. And in order to ensure that he has been fasting throughout this time he should begin abstaining earlier than the *Adhan* for Fajr prayers, and continue to refrain for some time after sunset from acts which invalidate a fast.

1560. A person can make niyyat every night of the holy month of Ramadhan that he would be fasting on the following day, and it is better to make niyyat on the first night of Ram*Adhan* that he would fast throughout that month.

1561. * The last time for making niyyat to observe a fast of *Ramadhan* for a conscious person, is moments before *Adhan* of Fajr prayers. This means he must be intent upon fasting at that time, even if he later became heedless of his intention due

to sleep etc.

1562. * As for Mustahab fast one can make its niyyat at any time in the day, even moments before Maghrib - provided he has not committed any such act which invalidates the fast.

1563. * If a person sleeps before *Adhan* for Fajr prayers in Ramadhan or any other day fixed for an obligatory fast without making a niyyat, and wakes up before Zuhr to make a niyyat of fast, his fast will be in order.

But if he wakes up after Zuhr, as a precaution, he should continue with the abstinence with the niyyat of *Qurbat* and then give its *qadha* also.

1564. * If a person intends to keep a fast other than the fast of Ramadhan, he should specify that fast; for example, he should specify it as the *qadha* fast or a fast to fulfil a vow. On the other hand, it is not necessary that a person should specify in his niyyat that he is going to observe a fast of Ramadhan. If a person is not aware or forgets that it is the month of Ramadhan and makes a niyyat to observe some other fast it will be considered to be the fast of Ramadhan.

1565. * If a person knows that it is the month of Ramadhan, yet intentionally makes an intention of observing a fast other than the fast of the month of Ramadhan his fast will not be reckoned a fast of the month of Ramadhan nor the fast of which he made the niyyat.

1566. If a person observes fast with the niyyat of the first day of the month and understands later that it was the second or third of the month, his fast is in order.

1567. If a person makes an intention before *Adhan* for dawn prayers to observe a fast and then becomes unconscious and regains his senses during the day time, he should, on the basis of obligatory precaution, complete the fast on that day, and if he does not complete it, he should observe its *qadha* .

1568. If a person makes niyyat before the *Adhan* for Fajr prayers to observe a fast and then gets intoxicated and comes to senses during the day he should, on the basis of obligatory precaution, complete the fast of that day and should also give its *qadha* .

1569. If a person makes a niyyat before the *Adhan* for Fajr prayers to observe a fast, and then goes to sleep, and wakes up after Maghrib his fast is in order.

1570. * If a person did not know or forgot that it was the month of Ramadhan, and takes notice of this before Zuhr and if he has performed

some act which will invalidates a fast, his fast is void. But, he should not perform any act till Maghrib which invalidates a fast and should also observe qadha of that fast after Ramadhan. The same rule applies if he learns after Zuhr that it is the month of

Ramadhan. But if he learns before Zuhr, and if he has not done anything which would invalidate his fast, his fast will be valid.

1571. * If a child reaches the age of puberty before the *Adhan* for Fajr prayers in the month of Ramadhan he/she should keep fast and if he/she reaches the age of puberty after the Fajr *Adhan* , the fast of that day is not obligatory for him/her except if he/she intended to observe a Mustahab fast on that day, then he/she should complete it as a precaution.

1572. * If a person who has been hired to observe the fasts of a dead person or has fasts of Kaffarah upon him as an obligation, observes Mustahab fasts, there is no harm in it. However, if a person has his own *qadha* of fasts, he cannot observe Mustahab fasts. If he forgets this and observes a Mustahab fast and remembers it before Zuhr his Mustahab fast will be void and he can convert his intention to the fast of *qadha* , and if he takes notice of the situation after Zuhr his fast is void as a precaution, and similarly if he remembers this after Maghrib, the validity of his fast is a matter if Ishkal.

1573. * If it is obligatory for a person to observe a specific fast other than the fast of the month of Ramadhan, for example, if he has vowed that he would observe fast on a particular day, and he does not make an intention purposely till the *Adhan* for Fajr prayers, his fast is void. And if he does not know that it is obligatory for him to fast on that day or forgets about it and remembers it before midday, and if he has not performed any act which invalidates the fast and makes an intention to fast, his fast is in order, and if he remembers after Zuhr, he should follow the precaution applied to the fast of Ramadhan.

1574. If a person does not make an intention till near Zuhr for an obligatory fast which has no fixed time, like a fast of Kaffarah, there is no harm in it. In fact, if he had decided before making a niyyat that he would not fast, or was undecided as to whether he should or should not fast, if he has not per-

formed any act which invalidates a fast, and decides before Zuhr to fast, his fast will be in order.

1575. * If a non-Muslim embraces Islam in the month of Ramadhan before Zuhr, he should, on the basis of obligatory precaution, make an intention to fast, and complete it provided that he had not committed any act which would make a fast void. And if he does not observe fast on that day he should give its *qadha* .

1576. * If a patient recovers from his illness in the middle of a day in the month of Ramadhan, before Zuhr, and if he has not done anything to invalidate the fast, he should make niyyat and fast. But if he recovers after Zuhr, it will not be obligatory on him to fast on that day.

1577. * If one doubts whether it is the last day of Sha'ban or the first day of Ramadhan then the fast on that day is not obligatory. If however, somebody wants to observe fast on that day he cannot do so with the intention of observing the Ramadhan

fast, but if he makes an intention that if it is Ramadhan then it is the Ramadhan fast and if it is not Ramadhan then it is *qadha* fast or some other fast like that, his fast will be valid. But it is better to observe the fast with the intention of qadha fast or some other fast, and if it is known later that it was Ramadhan then it will automatically be Ramadhan fast. And even if he makes a niyyat of a natural fast, and later it becomes known that it is Ramadhan, it will be sufficient (i.e. that fast will be counted as the Ramadhan fast).

1578. If it is doubtful whether it is the last day of Sha'ban or the first of Ramadhan, and a person observes a *qadha* or a Mustahab fast or some other fast on that day, and later comes to know the same day that it is the first of Ramadhan, then he should convert the intention to the Ramadhan fast.

1579. * If somebody is undecided in his niyyat whether to break or not an obligatory fixed fast, like that of Ramadhan, or decides to do so, immediately his fast becomes invalid even if he does not actually break it or is repentant of his intention.

1580. * If, while observing a Mustahab fast or an obligatory fast the time of which is not fixed (e.g. a fast for Kaffarah) a person intends to break the fast or wavers whether or not he should do so, and if he does not break it, he should make a fresh niyyat before Zuhr in the case of an obligatory fast, and before Maghrib in the case of a Mustahab fast. That way his fast will be in order.

Things which make a Fast void

1581. * There are nine acts which invalidate fast:

(i) Eating and drinking

(ii) Sexual intercourse

(iii) Masturbation (Istimna) which means self abuse, resulting in ejaculation

(iv) Ascribing false things to Almighty Allah, or his Prophet or to the successors of the Holy Prophet

(v) Swallowing thick dust

(vi) Immersing one's complete head in water

(vii) Remaining in Janabat or *Haidh* or *Nifas* till the *Adhan* for Fajr prayers

(viii) Enema with liquids

(ix) Vomiting

Details of these acts will be explained in the following articles:-

I. Eating and Drinking

1582. If a person eats or drinks something intentionally, while being conscious of fasting, his fast becomes void, irrespective of whether the thing which he ate or drank was usually eaten or drunk (for example bread with water) or not (for example earth or the juice of a tree) and whether it is more or less; even if a person, who is fasting, takes the tooth brush (Miswak) out of his mouth and then puts it back into his mouth, swallowing its liquid, his fast will be void, unless the moisture in the tooth brush mixes up with the saliva in such a way that it may no longer be called an external wetness.

1583. If while eating and drinking, a person realises that it is Fajr, he should throw the food out of his mouth, and if he swallows it intentionally, his fast is void, and according to the rules which will be mentioned later, it also becomes obligatory on him to give Kaffarah.

1584. If a person who is fasting eats or drinks something forgetfully, his fast does not become invalid.

1585. There is no objection to an injection which anaesthetises one's limb or is used for some other purpose being given to a person, who is observing fast, but it is better that the injections which are given as medicine or food are avoided.

1586. If a person observing fast intentionally swallows something which remained in between his teeth, his fast is invalidated.

1587. * If a person wishes to observe a fast, it is not necessary for him to use a toothpick before the *Adhan* of Fajr prayers. However, if he knows that some particles of food which have remained in between his teeth, will go down into his stomach during the day, then he must clean his teeth with toothpick.

1588. Swallowing saliva does not invalidate a fast, although it may have collected in one's mouth owing to thoughts about sour things etc.

1589. There is no harm in swallowing one's phlegm or mucous from head and chest as long as it does not come upto one's mouth. However, if it reaches one's mouth, the obligatory precaution is that one should not swallow it.

1590. * If a person observing fast becomes so thirsty that he fears that he may die of thirst or sustain some harm or extreme hardship, he can drink as much water as would ensure that the fear is averted. However, his fast becomes invalid, and if it is the month of Ramadhan, as an obligatory precaution, he should not drink more than that, and then for the rest of the day, refrain from all acts which would invalidate the fast.

1591. Chewing food to feed a child or a bird and tasting food etc. which does not usually go down the throat, will not invalidate the fast, even if it happens to reach there inadvertently. However, if a person knows beforehand that it will reach the throat, his fast becomes void, and he should observe its *qadha* and it is also obligatory upon him to give Kaffarah.

1592. A person cannot abandon fast on account of weakness. However, if his weakness is to such an extent that fasting becomes totally unbearable, there is no harm in breaking the fast.

II. Sexual Intercourse

1593. Sexual intercourse invalidates the fast, even if the penetration is as little as the tip of the male organ, and even if there has been no ejaculation.

1594. * If the penetration is less than the tip of the male organ, so that it cannot be said that intercourse has taken place, also if no ejaculation takes place, the fast does not become invalid. This applies to both, circumcised and uncircumcised men.

1595. If a person commits sexual intercourse intentionally and then doubts whether penetration was upto the point of circumcision or not his fast, as an obligatory precaution, becomes invalid, and it is necessary for him to observe its *qadha* . It is not, however, obligatory on him to give Kaffarah.

1596. If a person forgets that he is observing fast and commits sexual intercourse or he is compelled to have sexual intercourse in a manner that makes him helpless, his fast does not become void. However, if he remembers (that he is observing fast) or ceases to be helpless during sexual intercourse, he should withdraw from the sexual intercourse at once, and if he does not, his fast becomes void.

III. Istimna (Masturbation)

1597. If a person, who is observing fast, performs masturbation (Istimna), his fast becomes void (The explanation of istimna has been given in rule 1581/iii).

1598. If semen is discharged from the body of a person involuntarily, his fast does not become void.

1599. Even if a person observing fast knows that if he sleeps during the day time he will become Mohtalim (i.e. semen will be discharged from his body

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during sleep) it is permissible for him to sleep, even if he may not be inconvenienced by not sleeping. And if he becomes Mohtalim, his fast does not become void.

1600. If a person who is observing fast, wakes up from sleep while ejaculation is taking place, it is not obligatory on him to stop it.

1601. A fasting person who has become Mohtalim can urinate even if he knows that by urinating the remaining semen will flow from his body.

1602. * If a fasting person who has become Mohtalim, knows that some semen has remained in his body and if he does not urinate before taking Ghusl, it will come out after Ghusl, he should on the basis of recommended precaution, urinate before taking Ghusl.

1603. * A person who indulges in courtship with an intention to allow semen to be discharged, will complete his fast and also observe its *qadha* , even if semen is not discharged.

1604. If a fasting person indulges in courtship without the intention of allowing the semen to be discharged, and also, if he is sure that semen will not be discharged, his fast is in order, even if semen may be discharged unexpectedly. However, if he is not sure about the discharge and it takes place, then his fast is void.

IV. Ascribing Lies to Allah and His Prophet

1605. * If a person who is observing fast, intentionally ascribes something false to Allah and the Prophet (s.a.w.a.) and his vicegerents (a.s.), verbally or in writing or by making a sign, his fast becomes void, even if he may at once retract and say that he has uttered a lie or may repent for it. And, as a recommended precaution, he should refrain from imputing lies to Bibi Fatema Zahra (a.s.) and all the Prophets and their successors.

1606. * If a person observing fast wishes to quote something about which he has no authority or he does not know whether it is true or false, he

should, as an obligatory precaution, give a reference of the person who reported it, or of the book in which it is written.

1607. * If a person quotes something as the word of Allah or of the Holy Prophet with the belief that it is true, but realises later that it is false, his fast does not become void.

1608. If a person ascribes something to Almighty Allah or the Holy Prophet knowing it to be false and understands later that it was true, as an obligatory precaution, he should complete his fast and should also observe its *qadha* .

1609. * If a person intentionally ascribes to Allah or the Holy Prophet or the successors of the Holy Prophet a falsehood fabricated by some other person, his fast becomes void. However, if he quotes the person who has fabricated that falsehood, his fast will not be affected.

1610. * If a person who is observing fast, is asked whether the Holy Prophet said such and such thing and he intentionally says 'No' where he should say 'Yes' or intentionally says 'Yes' where he should say 'No', his fast becomes void, as an obligatory precaution.

1611. * If a person quotes a true word of Allah or of the Holy Prophet, and later says that he had uttered a lie, or if he ascribed something false to them at night, and says on the following day when he is observing fast, that what he said on the previous night was true, his fast becomes void, except when his intention is to convey his newly acquired information.

V. Letting Dust Reach One's Throat

1612. * On the basis of obligatory precaution, allowing thick dust to reach one's throat makes one's fast void, whether the dust is of something which is halal to eat, like flour, or of something which is haraam to consume like dust or earth.

1613. * Allowing thin dust to reach one's throat will not invalidate the fast.

1614. * If thick dust is whipped up by the wind and if a person does not take care in spite of taking notice of it, allowing the dust to reach his throat, his fast becomes void on the basis of obligatory precaution.

1615. * As an obligatory precaution, a person who is observing fasts, should not allow the smoke of cigarettes, tobacco, and other similar things to reach his throat.

1616. * If a person does not take care to prevent dust, smoke, etc. from entering his throat, and if he was quiet sure that these things would not reach his throat, his fast is in order; but if he only felt that they might not reach his throat, it is better that he should observe that fast again as *qadha* .

1617. If a person forgets that he is fasting and does not exercise care, or if dust or any other similar thing enters his throat involuntarily, his fast does not become void.

VI. Immersing One's Head in Water

1618. * If a fasting person intentionally immerses his entire head in the water, his fast is known to be void, even if the rest of his body remains out of water. But this act does not invalidate the fast; it is a Makrooh act, and as a measure of precaution, should be avoided.

1619. * If a person immerses half of his head in the water once, and the other half the second time, his fast is not affected.

1620. * If the entire head is immersed under the water, leaving some hair out, the rule applied will be that mentioned above in 1618.

1621. * There is no harm in immersing one's head in liquids other than water like, in milk. Similarly, fast is not affected by immersing one's head in mixed water that is, Mudhaaf.

1622. * If a fasting person falls into the water involuntarily, and his entire head goes into the water, or if he forgets that he is fasting and immerses his head in the water, his fast is not affected.

1623. * If a person throws himself into the water thinking that his entire head will not go down into the water, and water covers his entire head, his fast remains in order.

1624. * If a person forgets that he is fasting and immerses his head in the water, and he remembers under the water that he is fasting, it is better that he takes his head out

of water at once, but if he does not do so, his fast will not be void.

1625. * If a person is pushed into water and his head is immersed in water, the fast is not affected at all. But if the fellow who pushed him and forced his head under water releases him, it is better that he raises his head out of water immediately.

1626. * If a fasting person immerses his head under water with the Niyyat of Ghusl, both his fast and Ghusl will be in order.

1627. * If a person dives headlong in the water to save some one from drowning, although it may be obligatory to save that person, as a recommended precaution, he should give *qadha* for that fast.

VII.Remaining in Janabat or Haidh or Nifas Till Fajr Time

1628. * If a person in Janabat does not take Ghusl intentionally till the time of Fajr prayers, his/her fast becomes void. And if a person whose obligation is to do *tayammum*, wilfully does not do it, his/her fast will be also void. This rules apply to the *qadha* of the fasts of Ramadhan, also.

1629. If a person in Janabat does not take Ghusl intentionally till the time of Fajr prayers, for obligatory fasts other than those of the month of Ramadhan and their *qadha* , those fasts which have fixed days, like those of Ramadhan, his/her fast will be in order.

1630. * If a person enters the state of Janabat during a night in the month of Ramadhan, and does not take Ghusl intentionally till the time left before *Adhan* is short, he/she should perform *tayammum* and observe the fast. However, it is a recommended precaution that its *qadha* is also given.

1631. If a person in Janabat in the month of Ramadhan forgets to take Ghusl and remembers it after one day, he should observe the *qadha* of the fast of that day. And if he remembers it after a number of days he should observe the *qadha* of the fasts of all those days, during which he is certain to have been in Janabat. For example, if he is not sure whether he was in Janabat for three days or four, he should observe the *qadha* of three days.

1632. If a person who does not have time for Ghusl or erforming *tayammum* in a night of Ramadhan gets into state of Janabat, his fast will be void and it will be obligatory upon him to give *qadha* of that fast, as well as Kaffarah.

1633. * If a person investigates whether or not he has enough time at his disposal, and believing that he has time for Ghusl, goes into state of Janabat and when he learns later that actually the time was short, he performs *tayammum*, his fast will be in order. And if he presumes without any investigation that he has enough time at his disposal and gets into Janabat and when he learns later that the time was short, keeps the fast with *tayammum*, he should, as a recommended precaution, observe the *qadha* of that fast.

1634. * If a person is in Janabat during a night in Ramadhan and knows that if he goes to sleep he will not wake up till Fajr, he should not sleep before Ghusl and if he sleeps before Ghusl and does not wake up till Fajr, his fast is void, and *qadha* and Kaffarah become obligatory on him.

1635. When a person in Janabat goes to sleep in a night of Ramadhan and then wakes up, the obligatory precaution is that if he is not sure about waking up again, he should not go to sleep before Ghusl, even if he has a faint hope that he might wake up before Fajr if he sleeps again.

1636. * If a person in Janabat in the night of Ramadhan feels certain that if he goes to sleep he will wake up before the time of Fajr prayers, and is determined to do Ghusl upon waking up, and oversleeps with that determination till the time of Fajr prayers, his fast will be in order. And the same rule applies to a person who, though not absolutely certain, is hopeful about waking up before the time of Fajr prayers.

1637. If a person in Janabat in a night of Ramadhan is certain or reasonably hopeful that if he sleeps he will wake up before the time of Fajr prayers but he is not heedful of the fact that after waking up he would do Ghusl , if he oversleeps till the time of Fajr prayers, the *qadha* of that fast will be obligatory on him as a precaution.

1638. * If a person in Janabat in a night of Ramadhan is sure or fairly hopeful that if he sleeps he will wake up before the time of Fajr prayers, but he does not intend to do Ghusl then, or is undecided about it , his fast is void.. And if he sleeps and does not wake up the *qadha* and Kaffarah will be obligatory on him.

1639. * If a person in Janabat sleeps and wakes up during a night of Ramadhan and is certain or fairly hopeful that if he sleeps again, he will wake up before the time of Fajr prayers, with full determination to do Ghusl after waking up, and oversleeps till the time of Fajr, he should observe the *qadha* of the fast of that day. And if he goes to sleep for the third time and does not wake up till the time of Fajr prayers, it is obligatory on him to observe the *qadha* as well as give the kaffarah, as a recommended precaution.

1640. When a person becomes Mohtalim during sleep, the first, second and third sleep means the sleep after waking up; and the sleep in which he became Mohtalim will not be reckoned to be the first sleep.

1641. If a person observing fast becomes Mohtalim during day time, it is not obligatory on him to do Ghusl at once.

1642. When a person wakes up in the month of Ramadhan after the Fajr prayers and finds that he has become Mohtalim his fast is in order, even if he knows that he became Mohtalim before the Fajr prayers.

1643. * When a person who wants to observe the *qadha* of Ramadhan, remains in Janabat intentionally till the time of Fajr prayers, he cannot fast on that day. And if it was not intentional, he can fast, but as a precaution, it should be avoided.

1644. * If a person wants to observe the *qadha* of Ramadhan and wakes up after the time of Fajr prayers finding himself Mohtalim, and knows that he became Mohtalim before the time Fajr prayers, he can fast on that day with the niyyat of qadha .

1645. If a person remains in Janabat intentionally till the time of Fajr prayers in an obligatory fast which does not have fixed days, like, the fast of Kaffarah, apparently his fast is in order, but it is better that he should observe fast on some other day.

1646. * If a woman becomes *Pak* from Haidth or *Nifas* before the time of Fajr prayers in the month of Ramadhan or, as a precaution, on a day she wants to give qadha of Ramadhan, and does not do Ghusl - or in the case of time being short, *tayammum* - intentionally, her fast will be void. And if it is not the fast of Ramadhan or its*qadha* , her fast will be in order, but as a precaution, she should do Ghusl. And if the obligation of a woman is *tayammum* instead of Ghusl for Haidth or *Nifas* and she does not do it intentionally, in the month of Ramadhan or for its qadha , before the time of Fajr prayers, her fast is void.

1647. * If a woman becomes *Pak* from *Haidh* or *Nifas* before the time of Fajr prayers in the month of Ramadhan and she has no time to do Ghusl, she should perform *tayammum*. But it is not necessary for her to remain awake till the time of Fajr prayers. The same rule applies to a person whose obligation is *tayammum* after getting into the state of Janabat.

1648. If a woman gets *Pak* from *Haidh* or *Nifas* just near the time of Fajr prayers in the month of Ramadhan, and has no time left for Ghusl or *tayammum*, her fast is valid.

1649. If a woman gets *Pak* from *Haidh* or *Nifas* after the Fajr or if *Haidh* or *Nifas* begins during the day though just near the Maghrib time, her fast is void.

1650. If a woman forgets to do Ghusl for *Haidh* or *Nifas* and remembers it after a day or more, the fasts that she has observed will be valid.

1651. * If a woman gets *Pak* from *Haidh* or *Nifas* before the time of Fajr prayers in the month of Ramdhan but neglects her obligation and does not do Ghusl before Fajr, nor does she resort to *tayammum* as time becomes short, her fast will be void. But if she is not negligent, like when she waits for her turn in a public bath, then even if she sleeps three times without doing Ghusl till Fajr, her fast will be valid if she does not ignore *tayammum*.

1652. * If a woman is in a state of excessive *Isihadha*, her fast will be valid even if she does not carry out the rules of Ghusls as explained in rule no. 402. Similarly, her fast will be in order if she does not do the Ghusls prescribed for medium *Isihadha*.

1653. A person who has touched a dead body (i.e. has brought any part of his own

body in contact with it) can observe fast without having done Ghusl for touching a dead body, and his fast does not become void even if he touches the dead body during the fast.

VIII. Enema

1654. If liquid enema is taken by a fasting person, his fast becomes void even if he is obliged to take it for the sake of treatment.

IX. Vomiting

1655. If a fasting person vomits intentionally his fast becomes void, though he may have been obliged to do so on account of sickness. However, the fast does not become void, if one vomits forgetfully or involuntarily.

1656. * If a person eats something at night knowing that it will cause vomiting during the day time, the recommended precaution is that he should give the *qadha* of that fast.

1657. * If a fasting person can stop vomiting without causing any harm or inconvenience to himself, he should exercise restraint.

1658. * If a fly enters the throat of a fasting person, it will not be necessary

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to throw it out if it has gone deep down the gullet, and his fast will be valid. But if it has not descended deep down, it must be coughed out, even by vomiting, if it is not harmful to do so. If one does not do so, fast will be void.

1659. If a person swallows something by mistake and remembers before it reaches the stomach that he is fasting, it is not necessary for him to throw it out, and his fast is in order.

1660. If a fasting person is certain that if he belches, something will come out from the throat, he should not, as a precaution, belch intentionally, but there is no harm in his belching if he is not certain about it.

1661. If a fasting person belches and something comes from his throat or into the mouth, he should throw it out, and if it is swallowed unintentionally, his fast is in order.

Rules Regarding Things which Invalidate a Fast

1662. * If a person intentionally and voluntarily commits an act which invalidates fast, his fast becomes void, but if he does not commit such an act intentionally, there is no harm in it (i.e. his fast is valid). However, if a person in Janabat sleeps and does not do Ghusl till the time of Fajr prayers, as detailed in rule no. 1639, his fast is void. Similarly, if a person due to utter ignorance of the rule that a certain act will invalidate the fast, or due to reliance upon some authority which he thought was

genuine, unhesitatingly commits an act which invalidates the fast, his fast will not be void, except in the cases of eating, drinking and sexual intercourse.

1663. * If a fasting person forgetfully commits an act which invalidates fast and thinking that since his fast has become void, commits intentionally another act which invalidates fast, his fast will be void.

1664. * If something is dropped forcibly down the throat of a fasting person, his fast does not become void. But, if he is compelled to break his fast by intimidation, like, if he is warned that his life or wealth would be at stake, and he willingly breaks the fast to ward off the danger, his fast will be void.

1665. * A fasting person should not go to a place where he knows that something will be put down his throat or that he will be compelled to break his fast by his own hands. And if he goes there and he is compelled to commit an act by his own hands which invalidates a fast, his fast will be void. The same will apply, as an obligatory precaution, if something is forcibly put down his throat.

Things which are Makrooh for a Person Observing Fast

1666. * Certain things are Makrooh for a person observing fast, some of them are mentioned below :
(i) Using eyedrops and applying Surma if its taste or smell reaches the throat.
(ii) Performing an act, which causes weakness, like blood-letting (extracting the blood from the body) or going for hot bath.
(iii) Inhaling a snuff if one is not aware that it might reach the throat; and if one is aware that it will reach the throat its use is not permissible.
(iv) Smelling fragrant herbs.
(v) For women, to sit in the water.
(vi) Using suppository, that is, letting into rectum a stimulant for bowels.
(vii) Wetting the dress which one is wearing.
(viii) Getting a tooth extracted or doing something as a result of which there is bleeding in the mouth.
(ix) Cleaning the teeth with a wet toothbrush.
(x) Putting water or any other liquid in the mouth without a good cause.
It is also Makrooh for a fasting person to court or woo his wife without the intention of ejaculation; or to do something which excites him sexually. And if he does it with the intention of ejaculation, and no ejaculation takes place, his fast, as an obligatory precaution, will be deemed void.

Obligatory Qadha Fast and Kaffarah

1667. * In the following situations, both qadha and Kaffarah become obligatory, provided these acts are committed intentionally, voluntarily and without any force or pressure, during the fasts of Ramadhan:
(i) Eating
(ii) Drinking
(iii) Sexual Intercourse

(iv) Masturbation
(v) Staying in the state of Janabat till the time of Fajr prayers
And as a recommended precaution, invalidating the fast due to reasons other than those mentioned above, should also be recompensed with Kaffarah, besides the obligatory qadha.

1668. * If a person commits any of the foregoing acts with an absolute certitude that it does not invalidate fast, Kaffarah will not be obligatory on him.

Kaffarah for Fast

1669. * The Kaffarah of leaving out a fast of Ramadhan is to:

(a) free a slave, or (b) fast for two months or (c) feed sixty poor to their fill or give one mudd (= 3/4 kg.) of food-stuff, like, wheat or barley or bread etc. to each of them. And if it is not possible for him to fulfil any of these, he should give Sadaqa according to his means and seek Divine forgiveness. And the obligatory precaution is that he should give Kaffarah as and when he is capable to do so.

1670. A person who intends fasting for two months as a Kaffarah for a fast of Ramadhan, should fast continuously for one month and one day, and it would not matter if he did not maintain continuity for completion of the remaining fasts.

1671. * A person who intends fasting for two months as a Kaffarah for a fast of Ramadhan, should not commence fasting at such time when he knows that within a month and one day, days like *Eid-ul-Azha* will fall when it would be haraam to fast.

1672. If a person who must fast continuously, fails to fast on any day in the period without any just excuse, he should commence fasting all over again.

1673. * If a person who must fast continuously, is unable to maintain the continuity due to an excuse beyond control, like, Haidh or Nifas or a journey, which one is obliged to undertake, it will not be obligatory on him/her after the excuse is removed, to commence fasting again from the beginning. He/she should proceed to observe the remaining fasts.

1674. * If a person breaks his fast with something haraam, whether it is haraam in itself, like, wine or adultery or has become haraam due to some reason like, any food which is normally permissible but it is injurious to his health, or if he has sexual intercourse with his wife during *Haidth*, he will have to observe all the three Kaffarah, as a recommended precaution. It means that he should set free a slave, fast for two months and also feed sixty poor to their fill, or give one mudd of wheat, barley, bread etc. to each of them. If it is not possible for him to give all the three Kaffarah, he should perform any one Kaffarah which he can possibly give.

1675. * If a fasting person intentionally imputes lies to Allah or the Holy Prophet (s.a.w.a.), the recommended precaution is that he should give all the three Kaffarah as detailed above.

1676. * If a fasting person engages in sexual intercourse several times a day during Ramadhan or commits masturbation, one Kaffarah becomes obligatory on him. But, as a recommended precaution, he should give a Kaffarah each time he engages in sexual intercourse.

1677. * If a fasting person repeats an act which invalidates fast of Ramadhan other than sexual intercourse and masturbation, one Kaffarah will be sufficient for all.

1678. * If a fasting person commits an act which invalidates a fast other than sexual intercourse, and then has sexual intercourse with his wife, one Kaffarah will suffice for both the acts.

1679. * If a fasting person commits a halal act to invalidate a fast, like, if he drinks water and thereafter commits another act which is haraam and invalidates a fast, like, if he eats haraam food, one Kaffarah will suffice.

1680. * If a fasting person belches and swallows intentionally that which comes in his mouth, his fast becomes void, and he should give its qadha and Kaffarah also. And if the thing which comes to his mouth is haraam to consume, like, blood or some food which no more looks like food, and he swallows it intentionally, he will give the qadha of that fast, and as a recommended precaution, give all the three Kaffarah.

1681. If a person takes a vow that he would fast on a particular day, and if he invalidates his fast intentionally on that day, he should give Kaffarah, the one for which one becomes liable upon breaking a vow. The details will come in the relevant Chapter.

1682. If a fasting person breaks his fast when someone unreliable informs him that Maghrib has set in, and he later learns that Maghrib had not set in, or doubts whether it had set in or not, it is obligatory on him to give qadha and Kaffarah.

1683. If a person who has intentionally invalidated his fast travels after Zuhr or before Zuhr to escape the Kaffarah, he will not be exempted from the Kaffarah. In fact, if he has to proceed unexpectedly on a journey before Zuhr, even then it is obligatory for him to give Kaffarah.

1684. If a person invalidates the fast intentionally and then an excuse like *Haidth*, *Nifas* or sickness arises, the recommended precaution is that he/she should give a Kaffarah.

1685. If a person was certain that it was the first day of Ramadhan and invalidated his fast intentionally, and it transpired later that it was the last day of Sha'ban it would not be obligatory on him to give Kaffarah.

1686. If a person doubts whether it is the last day of Ramadhan or the first day of Shawwal and invalidates his fast intentionally, and it transpires later that it is the first day of Shawwal, it will not be obligatory on him to give Kaffarah.

1687. * If a man who is fasting in the month of Ramadhan has sexual intercourse with his wife who is also fasting and if he has compelled her for that, he should give Kaffarah for his own fast and as a precaution, also for his wife's. And if she had wilfully consented to the sexual intercourse, a Kaffarah becomes obligatory on each of them.

1688. If a woman compels her fasting husband to have sexual intercourse with her, it is not obligatory on her to give Kaffarah for her husband's fast.

1689. If a man who is fasting in Ramadhan compels his wife for sexual intercourse, and if the woman expresses her agreement during the intercourse, the man should, on the basis of obligatory precaution, give two Kaffarah and the woman should give one Kaffarah.

1690. If a man who is observing fast in Ramadhan has sexual intercourse with his fasting wife who is asleep, one Kaffarah becomes obligatory on him. But the wife's fast is in order and she will not give any Kaffarah.

1691. If a man compels his wife or a woman compels her husband to commit an act which makes the fast void, other than the sexual intercourse, it will not be obligatory upon any of them to give any Kaffarah.

1692. A man who does not observe fast due to travelling or illness, cannot compel his fasting wife to have sexual intercourse. But, if he compels her, Kaffarah will not be obligatory on him either.

1693. One should not be negligent about giving Kaffarah. But, it is not necessary to give it immediately.

1694. If Kaffarah has become obligatory on a person and if he fails to fulfil it for some years, no increase in the Kaffarah takes place.

1695. * When a person is required to feed sixty poor by way of Kaffarah for one fast, and if he has access to all of them, he cannot give to any one of them more than one mudd of food, or feed a poor man more than once, calculating it as feeding more than one person. However, he can give to a poor person one mudd of food for each member of his family, even if they may be minors.

1696. * If a person offering qadha of a fast of Ramadhan intentionally breaks his fast after Zuhr, he should give food to ten poor persons, one mudd to each, and if he cannot do this, he should observe fast for three days.

Occasions on which it is Obligatory to Observe the Qadha Only

1697. * In the following cases it is obligatory on a person to observe a qadha fast only and it is not obligatory on him to give a Kaffarah:

(i) If a person is in Janabat during a night of Ramadhan and as detailed in rule no. 1639 does not wake up from his second sleep till the time of Fajr prayers.
(ii) If he does not commit an act which invalidates a fast but did not make Niyyat to observe fast, or fasts to show off intends not to fast at all, or decides to commit an act which invalidates a fast, then as an obligatory precaution, he must give its qadha.
(iii) If he forgets to do Ghusl of Janabat during the month of Ramadhan and fasts for one or more days in the state of Janabat.
(iv) If in the month of Ramadhan, a man without investigating as to whether Fajr has set in or not commits an act, which invalidates a fast, and it becomes known later that it was Fajr, he should as a precaution and with the Niyyat of *Qurbat*, refrain from committing any further acts which invalidate the fast, and give its qadha also.
(v) If someone else informs that it is not Fajr yet, and on the basis of his statement one commits an act which invalidates a fast and it is later found out that it was Fajr.
(vi) If someone informs that it is Fajr and not believing his word or thinking that the fellow is joking, he commits, without investigating, an act which invalidates a fast and it becomes known later that it was Fajr.
(vii) If a blind person, or any one like him, breaks his fast relying on the statement of another person, and it is known later that Maghrib had not set in.
(viii) When a person is certain that Maghrib has set in, and breaks his feet accordingly, and later he learns that it was not Maghrib, he must give qadha. But if he believed that Maghrib had set in because of cloudy weather, and broke his fast, and later it became evident that Maghrib had not set in, he will observe qadha of that fast as a precautionary measure.
(ix) When one rinses his mouth with water because it has dried due to thirst and the water uncontrollably goes down one's throat, qadha has to be given. Similarly, as a recommended precaution, one should give a qadha if the mouthwash was for a wudhu for Mustahab prayers, and

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the water went down the throat. But if he forgets that he has kept a fast, or if he does the mouthwash, not because of thirst, but for a wudhu for an obligatory prayers and water is uncontrollably swallowed, there will be no qadha.
(x) If a person breaks his fast due to duress, helplessness or taqayyah, he will observe qadha of the fast, but it is not obligatory on him to give a Kaffarah.

1698. If a fasting person puts something other than water in his mouth and it goes down the throat involuntarily, or puts water in his nose and it goes down involuntarily, it will not be obligatory on him to observe qadha of the fast.

1699. It is Makrooh to do excessive mouth washing for a fasting person, and after the mouthwash if he wishes to swallow saliva, it is better that he spits it out three times before doing so.

1700. * If a person knows or feels that if he does a mouthwash water will seep down his throat involuntarily, he should avoid it. And as an obligatory precaution, he should avoid the mouthwash if he knows or feels that water may trickle down his throat due to his own forgetfulness.

1701. * If in the month of Ramadhan, a person becomes sure after investigation that it

is not Fajr and commits an act which invalidates a fast, and it is later known that it was Fajr already, it will not be necessary for him to offer qadha of that fast.

1702. If a person doubts whether or not Maghrib has set in, he cannot break his fast. But if he doubts whether or not it is Fajr he can commit, even before investigation, an act which invalidates a fast.

Rules Regarding the Qadha Fasts

1703. If an insane recovers and becomes sane, it will not be obligatory on him to offer qadha for the fasts which he did not observe when he was insane.

1704. If an unbeliever becomes a Muslim, it is not obligatory on him to offer qadha for the fasts of the period during which he was an unbeliever. However, if a Muslim apostatises and becomes Muslim again, he must observe qadha for the fasts of the period during which he remained an apostate.

1705. A person must offer qadha for the fasts left out due to being intoxicated, even if the intoxicant was taken by him for the purpose of medical treatment.

1706. If a person did not fast on certain days because of some excuse and later doubts about the exact date on which the excuse was over, it will not be obligatory on him to offer qadha basing his calculation on the higher number. For example, if a person travelled before the commencement of the month of Ramadhan, and now does not remember whether he returned on the 5th of Ramadhan or on the 6th, or if he travelled in the last days of the month of Ramadhan and returned after Ramadhan, and now does not remember whether he travelled on the 25th of Ramadhan or on the 26th, in both the cases, he can observe qadha based on the lesser number of days, that is, five days. However, the recommended precaution is that he should offer qadha for the higher number of days, that is, six days.

1707. If a person has to give qadha for Ramadhan fasts of several years, he can begin with the qadha of Ramadhan of any year as he likes. But, if the time for qadha fasts of the last Ramadhan is short, like, if he has to observe five qadha fasts of the last Ramadhan and only five days are left before the commencement of approaching Ramadhan, it is better to observe qadha fasts of last Ramadhan.

1708. If a person has qadha fasts of the month of Ramadhan for several years, and while making Niyyat he does not specify to which year the fasts belong, they will not be reckoned to be the qadha of the last year.

1709. A person who observes a qadha for the fast of Ramadhan can break his fast before Zuhr. However, if the time for qadha fast is short, it is better not to break it.

1710. If a person observes qadha fast of a dead person, it is better not to break the fast after Zuhr.

1711. * If a person does not observe the fasts of the month of Ramadhan due to illness, *Haidh* or *Nifas* and dies before he/she can give qadha in time, he/she will not have any qadha liability.

1712. * If a person does not fast in the month of Ramadhan due to illness and his illness continues till next Ramadhan, it is not obligatory on him to observe qadha of the fasts which he had not observed, but for each fast he should give one mudd of food like, wheat, barley, bread etc. to poor. And if he did not observe fast owing to some other excuse, like, if he did not fast because of travelling and his excuse continued till next Ramadhan, he should observe its qadha fasts, and the obligatory precaution is that for each day he should give one mudd of food to poor.

1713. If a person did not fast in Ramadhan due to illness, and his illness ended after Ramadhan, but there emerged another excuse due to which he could not observe the qadha fasts till next Ramadhan, he should offer qadha for the fasts which he did not observe. Also, if he had an excuse other than illness during Ramadhan, and that excuse ended after Ramadhan, but he then fell ill and could not give qadha till next Ramadhan because of that illness, he will offer the qadha for the fasts he did not observe and, on the basis of obligatory precaution, he will give one mudd of food to poor for each day.

1714. If a person does not observe fasts in the month of Ramadhan owing to some excuse and his excuse is removed after Ramadhan, yet he does not observe the qadha fasts intentionally till next Ramadhan, he has to give qadha of the fasts and should also give one mudd of food to poor for each fast.

1715. * If a person deliberately ignores observing qadha till the time left is short, and during that short time he develops an excuse, he has to give qadha and as a precaution, give one mudd of food to poor for each day. Similarly, if after the excuse is over, he firmly decides to give qadha, but is

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unable to do so because of some fresh excuse during that short time, he will follow the above rule.

1716. If the illness of a person continues for very long, protracted over many years, he should, after being cured, observe the qadha fasts of the last Ramadhan, and for each day of the earlier years he should give one mudd of food to poor.

1717. A person who has to give one mudd of food to poor for each day, can give food of Kaffarah of a few days to one poor person.

1718. If a person delays observing qadha fasts of the month of Ramadhan for a few years, he should give the qadha and should on account of delay in the first year, give one mudd of food to a poor person for each day. As for the delay in the subsequent years, nothing is obligatory on him.

1719. * If a person does not observe fasts of the month of Ramadhan intentionally, he should give their qadha and for each day left out, he should observe fast for two

months or feed sixty poor persons or set a slave free, and if he does not observe the qadha till next Ramadhan, he should also give one mudd of food for each day as a Kaffarah.

1720. * If a person does not observe fast of the month of Ramadhan intentionally, and commits sexual intercourse or masturbation several times during the day, the Kaffarah does not multiply together with it. Similarly, if he performs other acts which invalidate the fast, like eating several times, one Kaffarah will suffice.

1721. * After the death of a person his eldest son, as an obligatory precaution, should observe his qadha fasts as explained in connection with the prayers earlier.

1722. * If a father had not observed obligatory fasts other than the fasts of the month of Ramadhan, like, a fast of Nadhr, the recommended precaution is that his eldest son should observe its qadha. However, if the father was hired for observing fasts on behalf of a dead person, but he did not observe them, it is not obligatory for the eldest son to offer them.

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Fasting by a Traveller

1723. A traveller for whom it is obligatory to shorten a four Rak'ats prayers to two Rak'ats, should not fast. However, a traveller who offers full prayers, like, a person who is a traveller by profession or who goes on a journey for a haraam purpose, should fast while travelling.

1724. There is no harm in travelling during the month of Ramadhan, but it is Makrooh to travel during the month to evade fasting. And similarly, it is Makrooh to travel before the 24th of Ramadhan unless travelling is undertaken for the purpose of Hajj or Umrah or for some important work.

1725. * If it is obligatory on a person to observe a particular fast other than the fasts of Ramadhan, like, if he has undertaken to fast on behalf of someone against payment, or if it is the fast of the third day of *I'tekaf*, he cannot travel on that day, and if he is already on journey then he should make a Niyyat to stay there for ten days, if possible, and keep the fast. And if it is an obligatory fast of Nadhr, travelling on that day is permissible, and it is not necessary to make an intention of staying there for ten days. Though, it is better not to travel unless it is absolutely necessary, and if he is already on a journey, he should have the Niyyat to stay there for 10 days.

1726. If a person makes a vow to observe a Mustahab fast and does not specify any day for it, he cannot keep the fast while travelling. However, if he makes a vow that he will observe fast on a particular day during a journey, he should observe that fast during the journey. Also, if he makes a vow that he will observe a fast on a particular day, whether he is journeying on that day or not, he should observe the fasts on that day even if he travels.

1727. A traveller can observe Mustahab fasts in Madinah for three days with the Niyyat of praying for the fulfilment of his wish, and as a precaution, those three days be Wednesday, Thursday and Friday.

1728. If a person does not know that the fast of a traveller is invalid and observes fast while journeying, and learns about the rule during the day, his fast becomes void, but if he does not learn about the rule till Maghrib, his fast is valid.

1729. If a person forgets that he is a traveller or forgets that the fast of a traveller is void, and observes fast while journeying, is fast is invalid.

1730. * If a fasting person travels after Zuhr, he should, as a precaution, complete his fast. If he travels before Zuhr and had an intention from the previous night to do so, he cannot fast on that day. As a precaution, he cannot fast on that day even if he had no intention to travel from the previous night. In both the cases, he cannot break the fast till he has reached the limit of *Tarakkhus*. If he does, he will be liable to give Kaffarah.

1731. If a traveller in the month of Ramadhan, regardless of whether he was travelling before Fajr, or was fasting and then undertook the journey, reaches his hometown before Zuhr or a place where he intends to stay for ten days, and if has not committed an act which invalidates a fast, he should fast on that day. But if he has committed such an act, it is not obligatory on him to fast on that day.

1732. * If a traveller reaches his hometown after Zuhr, or a place where he intends to stay for ten days, he cannot fast on that day.

1733. It is Makrooh for a traveller and for a person who cannot fast owing to some excuse, to have sexual intercourse or to eat or drink to his fill, during the day time in Ramadhan.

People on Whom Fasting is Not Obligatory

1734. Fasting is not obligatory on a person who cannot fast because of old age, or for whom fasting causes extreme hardship. But in latter case, he should give one mudd food to a poor person for every fast.

1735. If a person who did not fast during the month of Ramadhan owing to old age, becomes capable of fasting later, he should, on the basis of recommended precaution, give the qadha.

1736. * Fasting is not obligatory on a person who suffers from a disease which causes excessive thirst, making it unbearable, or full of hardship. But in the latter case, that is, of hardship, he should give one mudd of food to

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poor, for every fast. At the same time, as a recommended precaution, such a person may not drink water in a quantity more than essential. If he recovers later, enabling him to fast, then as a recommended precaution, he should give qadha for the fast.

1737. * Fasting is not obligatory on a woman in advanced stage of pregnancy, for

whom fasting is harmful or for the child she carries. For every day, however, she should give one mudd of food to poor. In both the cases, she has to give qadha for the fasts which are left out.

1738. * If a woman is suckling a child, whether she is the mother or a nurse, or suckles it free, and the quantity of her milk is small, and if fasting is harmful to her or to the child, it will not be obligatory on her to fast. And she should give one mudd of food per day to poor. In both the cases, she will later give qadha for the fasts left out. But this rule is specifically applicable in a circumstance where this is the only way of feeding milk to the child - (as an obligatory precaution). But if there is an alternative, like, when more than one woman offer to suckle the child, then establishing this rule is a matter of *Ishkal*.

Method of Ascertaining the First Day of a Month

1739. * The 1st day of a month is established in the following four ways:
(i) If a person himself sights the moon.
(ii) If a number of persons confirm to have sighted the moon and their words assure or satisfy a person. Similarly, every other thing which assures or satisfies him about moon having being sighted.
(iii) If two just (Adil) persons say that they have sighted the moon at night. The first day of the month will not be established if they differ about the details of the new moon. This difference can be either explicit or even implied. For example, when a group of people goes out in search of a new moon and none but two Adils claim to have seen the new moon, though, among those who did not see, there were other Adils equally capable and knowledgeable, then the testimony by the first two Adils will not prove the advent of a new month.
(iv) If 30 days pass from the first of Sha'ban, the 1st of Ramadhan will be

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established, and if 30 days pass from the 1st of Ramadhan the 1st of Shawwal will be established.

1740. The 1st day of any month will not be proved by the verdict of a Mujtahed and it is better to observe precaution.

1741. The first day of a month will not be proved by the prediction made by the astronomers. However, if a person derives full satisfaction and certitude from their findings, he should act accordingly.

1742. * If the moon is high up in the sky, or sets late, it is not an indication that the previous night was the first night of the month. Similarly, if there is a halo round it, it is not a proof that the new moon appeared in the previous night.

1743. If the first day of the month of Ramadhan is not proved for a person and he does not observe fast, and if it is proved later that the preceding night was infact the night of Ramadhan, he should observe qadha of that day.

1744. * If the first day of a month is proved in a city, it is also proved in other cities if they are united in their horizon. And the meaning of having a common horizon in this

matter is that if new moon was sighted in a city, there would be a distinct possibility of sighting it in the other cities, if there were no impediments, like, the clouds etc.

1745. The first day of a month is not proved by a telegram except when one is sure that the telegram is based on the testimony of two Adils, or on a source which is reliable in the eyes of Shariah.

1746. If a person does not know whether it is the last day of Ramadhan or the first of Shawwal, he should observe fast on that day, and if he comes to know during the day that it is the first of Shawwal, he should break the fast.

1747. * If a prisoner cannot ascertain the advent of Ramadhan, he should act on probability and he should act on a probability which in his estimation

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is stronger. But if even that is not possible, he may consider a month which he strongly feels to be Ramadhan and fast; however, he should keep that month in view so that if it later transpires that he kept fasts before Ramadhan, he will give the qadha. And if it transpired that it was Ramadhan or after it, he does not have any liability of qadha.

Haraam and Makrooh Fasts

1748. It is haraam to fast on the day of *Eid-ul-Fitr* and *Eid-ul-Azha*. It is also haraam to fast with the Niyyat of first fast of Ramadhan on a day about which he is not sure whether it is the last day of Sha'ban or the first of Ramadhan.

1749. It is haraam for a wife to keep a Mustahab fast if by so doing she would not be able to attend to her duties to her husband. And the obligatory precaution is that even if she can attend to her duties towards her husband, she should not observe a Mustahab fast without his permission.

1750. * It is haraam for the children to observe a Mustahab fast if it causes emotional suffering to their parents.

1751. * If a son observes a Mustahab fast without the permission of his father, and his father prohibits him from it during the day time, the son should break the fast if his disobedience would hurt the feeling of his father.

1752. * If a person knows that fasting is not harmful to him, he should fast even if his doctor advises that it is harmful. And if a person is certain or has a feeling that fasting is harmful to him, he should not fast even if the doctor advises for it, and if he fasts in these circumstances, his fast will not be valid if it turns out that the fast was actually harmful, or if it was not kept with the Niiyyat of *Qurbat*.

1753. * If a person has a strong feeling that it is harmful for him to fast, and owing to that feeling, fear is created in his mind, and if that feeling is commonly acceptable, he should not observe fast, and if he does, it will not be valid in the way described in the foregoing rule.

1754. If a person who believes that fasting is not harmful to him, observes fast and realises after Maghrib that it was considerably harmful to him, he should, on the basis of obligatory precaution, give the qadha of that day.

1755. Besides the fasts mentioned herein, there are other haraam fasts also, the details of which are found in relevant books.

1756. It is Makrooh to fast on 'Ashura (10th of Muharram). It is also Makrooh to fast on the day about which one is not sure whether it is the day of *'Arafa* or *Eid-ul-Azha*.

Mustahab Fasts

1757.* Fasting is Mustahab on every day of a year except those on which it is haraam or Makrooh to observe a fast. Some of them which have been strongly recommended, are mentioned here:
(i) The first and last Thursday of every month and the first Wednesday after the 10th of a month. If a person does not observe these fasts it is Mustahab that he gives their qadha. And if he is incapable of fasting, it is Mustahab for him to give one mudd of food or prescribed coined silver to poor.
(ii) 13th, 14th and 15th day of every month.
(iii) On all days of Rajab and Shaban or on as many days as it is possible to fast, even though it may be one day only.
(iv) The day of Eid Nawroz.
(v) From the 4th up to the 9th of the month of Shawwal.
(vi) The 25th and 29th day of the month of Zi qa'da.
(vii) From the 1st day to the 9th day (i.e. 'Arafa day) of the month of Zil hajj. But if, it is not possible for one to recite the Duas of *'Arafa* due to weakness caused by fasting, it is Makrooh to fast on that day.
(viii) The auspicious day of Ghadir (18th Zil hajj).
(ix) The auspicious day of Mubahila (24th Zil hajj).
(x) The 1st, 3rd and 7th day of Muharram.
(xi) The birthday of the Holy Prophet (17th Rabi'ul awwal).
(xii) 15th day of Jumadi'ul oola.

Fasting is also recommended on 27th of Rajab - the day the Prophet (s.a.w.a.) declared his Prophethood.

If a person observes a Mustahab fast, it is not obligatory on him to complete it. In fact, if one of his brethren-in-faith invites him to a meal, it is Mustahab that he accepts the invitation and breaks the fast during the day time even if it may be after Zuhr.

Mustahab Precautions

1758. It is Mustahab for the following persons that even if they may not be fasting, they should refrain from those acts in the month of Ramadhan which invalidate a fast:
(i) A traveller who has committed an act during his journey which makes a fast void and reaches his hometown before Zuhr, or the place where he intends to stay for ten days.

(ii) A traveller who reaches home after Zuhr or at a place where he intends to stay for ten days. The same rule applies if he reaches such places before Zuhr and if he has already broken his fast while journeying.
(iii) A patient who recovers after Zuhr or even if he recovers before noon, though he may have committed acts which invalidate fast. And if he has not committed any such act, then his obligation has been explained in rule no. 1576.
(iv) A woman who becomes *Pak* from *Haidh* or *Nifas* during day time.

1759. It is Mustahab that a person breaks his fast after offering Maghrib and Isha prayers. However, if he feels terribly inclined to eat, so much that he cannot concentrate on the prayers, or if someone is waiting for him, it is better that he should break his fast first and offer the prayers later. However, as far as possible, he should try to offer the prayers during the prime time (*Fadheelat*).

Khums

1760. * Khums is obligatory on the following seven things:

(i)Profit or gain from earning.
(ii)Minerals.
(iii)Treasure trove.
(iv)Amalgamation of Halal wealth with Haraam.
(v)Gems obtained from the sea diving.
(vi)Spoils of war.
(vii)As commonly held, a land which a zimmi (a non-Muslim living under the protection of Islamic Government) purchases from a Muslim.

Profit from Earning

1761. If a person earns by means of trade, industry or any other ways of earning, like, if he earns some money by offering prayers and fasting on behalf of a dead person, and if it exceeds the annual expenses for maintaining himself and his family, he should pay Khums (i.e. 1/5) from the surplus, in accordance with the rules which will be explained later.

1762. If a person acquires wealth without having worked for it , like, if someone gives him a gift, and that wealth exceeds his own annual expenses, he should pay Khums from the excess.

1763. * There is no Khums liability on *Mahr* which a wife receives, nor on the property, which a husband gets in exchange of divorcing his wife by way of *Khula*, and the same rule applies to the property which one inherits according to the genuine laws of inheritance. If a Shia Muslim inherits from a source which is not accepted in our Fiqh, like inheriting from a distant relative despite his heirs being present (Ta'seeb), it will be considered a gain, and Khums will have to paid from it. Similarly, if a person inherits from an unexpected source, neither from his father nor from his son, then as an obligatory precaution, he will pay Khums from that inheritance if it exceeds his annual expenses.

1764. * If a person inherits some property and knows that the person from whom he has inherited did not pay Khums from it, he (the heir) should pay its Khums. And if that property is itself not liable for Khums, but the heir knows that the person from who he has inherited, owed some Khums, he should pay it from the deceased's estate. But in both the cases, if the person from whom he inherits did not believe in Khums, or never paid it, then it is not necessary for the heir to pay off the Khums owed by the dead.

1765. If a person saves from the annual expenses because of economising and frugality, he should pay the Khums.

1766. * If the expenses of a person are borne by somebody else, that person should pay Khums on his entire earning.

1767. If a person gives away a property as Waqf to some individuals, like his sons, and if they do farming and planting trees on that property, and acquire from it an earning which exceeds their annual expenses, they should pay its Khums. Similarly, if they profit from that property in some other manner, like if they lease it out, they should pay Khums from the amount which exceeds their annual expenses.

1768. * If the wealth received by a poor man, by way of obligatory or recommended Sadaqah, exceeds his annual expenses, or if he earns profit from the property given to him, like, if he gets fruit from a tree which has been given to him, and that exceeds his annual expenses, he should pay Khums from it. But wealth which he has received as Khums or Zakaat is not liable for any Khums.

1769. * If a person purchases a commodity with the money on which the Khums has not been paid, that is, if he says to the Shia Ithna Asheri seller: *"I am purchasing this commodity with this money",* the transaction will be in order in respect of the entire property, and Khums will apply to the commodity which he has purchased with that money. And no permission and acknowledgement of a Mujtahid will be necessary.

1770. If a person purchases a commodity, and after the transaction, pays its

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price from the money from which Khums has not been paid by him, the transaction will be in order, but he will be indebted to those who deserve to receive Khums, for the sum he has paid to the seller.

1771. * If a Shia Ithna Asheri person purchases something on which Khums has not been paid, the Khums will be the liability of the seller, and the buyer is not responsible for anything.

1772. * If a person gives a gift to a Shia Ithna Asheri, from which Khums has not been paid, one fifth of it is the liability of the donor himself, and one who gets the gift is not required to pay anything.

1773. If a person acquires wealth from an unbeliever, or a person who does not believe in paying Khums, it will not be obligatory for him, that is, the person who receives, to pay Khums.

1774. * It is obligatory on the merchants, the earners, the artisans, and others like them that when a year passes since they started earning, they should pay Khums from whatever is in excess of their expenses for one year. And if a person who is not earning, makes an unexpected gain, he should pay Khums after a year has passed since he gained, on the savings which exceeds his expenditure for that year.

1775. A person can pay Khums as and when he earns a profit during a year, and it is also permissible to delay payment of Khums till the end of the year. And there is no objection if one adopts the solar year for the payment of Khums.

1776. If a merchant or an earner fixes a year for payment of Khums, and makes a profit, but dies during the same year, his expenses till his death should be deducted from the profit, and Khums should be paid on the balance.

1777. If the price of a commodity one purchases for the purpose of business shoots up, and he does not sell it, and its price falls during the year, it is not obligatory on him to calculate Khums on the increased prices.

1778.* If the price of a commodity which a person purchases for the purpose of business shoots up, and he does not sell it till after the end of the year, expecting that the price will rise, and then the price falls, it is obligatory for him to calculate Khums based on the increase in the price.

1779. * If a person possesses some goods other than merchandise, from which Khums has been paid by him, if its price shoots up, and he sells it, he will pay Khums on the excess gained. Similarly if, the tree which he has purchased bears fruit, or a sheep which becomes fat, and if his object in maintaining them was to earn profit, he should pay Khums from the price increase. In fact, even if it was not his object to earn profit, he should pay Khums on them.

1780. * If a person establishes a garden, with the intention of selling it after its price goes up, he should pay Khums on the fruit, the growth of the trees and the increase in the price of the garden. But, if his intention is to sell the fruit of the trees and benefit from its value, he should pay Khums on the fruit only.

1781. If a person plants willow, plane tree and other trees like them, he should pay Khums on their growth every year. And similarly, if he makes profit from the branches of the trees which are cut every year, and the price of these branches alone, or the same added with other profits made by him, makes his income exceed his expenditure for the year, he should pay his Khums at the end of each year.

1782. * If a person has a few sources of income, for example, he receives rent for his property and is also engaged in trade, if they are all considered as one business, he should pay Khums at the end of the year from what exceeds his expenses. And if he

makes a profit in one source and sustains loss in another, he can offset his loss of one with the profit of the other. But if he has two different businesses, like, if he is engaged in trade as well as farming, he cannot, as an obligatory precaution, offset the loss in one with the profit made from the other.

1783. A person can deduct from his profit, the expenditure which he incurs

in making profit, like, on brokerage and transportation, and it is not necessary to pay Khums on that amount.

1784. No Khums is payable on what one spends from his profit during the year on food, dress, furniture, purchase of house, marriage of son, dowry of daughter, Ziyarat etc. provided that it is not beyond his status, and he has not been extravagant.

1785. Whatever a person spends on Nadhr and Kaffarah is a part of his annual expenditure. Similarly,what he gives away as a gift or a prize is included in his annual expenditure, provided it is not beyond his status.

1786. * If a person cannot prepare all the dowry for his daughter at the time of her marriage, and has to do so over a few years, and if it is deemed unbecoming for him not to give away any dowry, Khums will not be liable on what he purchases during the year, provided it is within his means. But if he exceeds his means, or spends the profit of one year to buy the dowry in the following year, he will pay its Khums.

1787. Whatever a person spends for his journey to Hajj and other Ziyarats (pilgrimages) is reckoned to be part of his expenditure of the year in which he spends it, and if his journey extends till part of the next year, he should pay Khums on what he spends during the second year.

1788. * If a person who earns profit from his work and trade, has some other property on which Khums is not liable, he can calculate his expenditure for the year from the profit earned from his work or business.

1789. * If a person purchases provision for his use during the year, with the profit made by him, and at the end of the year a part of it remains unused, he should pay Khums on it. And if he wants to pay its value, which may have increased since he brought the provision, he should calculate the price prevailing at the end of the year.

1790. * If a person purchases household accessories with the profit earned by him before paying Khums, it is not necessary for him to pay Khums on

them if their need ends after the year ends. There will no liability of Khums if their needs cease to exist during the year, but they must be those articles which are kept for many years, like the winter and summer dresses. Other than these, Khums will be, as an obligatory precaution, liable as soon as their need is over. Similarly, when a woman no more needs her ornaments for adornment, Khums will have to be paid on

it.

1791. If a person does not make any profit during a year, he cannot deduct his expenditure of that year from the profit which he makes in the next year.

1792. * If a person does not make any profit in the beginning of the year, and spends his capital, and then makes some profit before the year ends, he is allowed to deduct the amount spent from his capital, from the profit.

1793. * If a part of the capital is lost in trade etc., a person can deduct the lost amount from the profit made in the same year.

1794. * If something else other than capital is lost from his wealth, he cannot procure it from the profit made by him. But if he needs that thing during that very year, he can procure it from the profit.

1795. * If a person does not make any profit throughout a year, and borrows money to meet his expenses, he cannot deduct the borrowed amount from the profit made by him during the succeeding years. But, if he borrows money in the beginning of the year to meet his expenses, and makes profit before the year ends, he can deduct the borrowed amount from his profit. Similarly, in the first case mentioned above, he can deduct his debt from the profit made during the year, and that part of the profit will not be liable for Khums.

1796.* If a person takes a loan to increase his wealth, or to purchase a property which he does not need, he cannot repay that loan from the profit earned during that year. However, if the loan taken out by him, or the thing purchased with it, is lost, he can pay the loan out of the profit made by him during that year.

1797. * A person can pay the Khums of the thing from itself, or he can also pay money equivalent to the value of the Khums for which he is liable. But if he wants to pay from another commodity which has not yet become liable for Khums, he cannot do so without the permission of Mujtahid.

1798. If a person becomes liable for Khums and he has not paid it although a year has passed, and also does not intend to pay it, he cannot have any discretion over that property. In fact, as an obligatory precaution, the position is the same (i.e. he cannot have any discretion over the property) even if he intends to pay Khums.

1799. A person who owes Khums cannot take responsibility for it, i.e. treat himself to be the debtor of those entitled to receive it, and use the entire property, and if he uses that property and it is lost, he should pay Khums on it.

1800. If a person who owes Khums makes a compromise with the Mujtahid, and takes responsibility for it, he can appropriate the entire property, and the profit he earns from it after the compromise, belongs to him.

1801. * If one partner pays Khums on the profit made by him, and the other partner

does not pay it, and he (the other partner) offers in the next year, as share of his capital, the property on which Khums has not been paid by him, the first partner who has paid Khums can have the right of disposal over that property, if the other fellow is a Shia Ithna Asheri Muslim.

1802. * If a minor child owns some capital, and profit accrues on it, Khums becomes liable and it is obligatory upon his guardian to pay the Khums. But if he does not, the minor child will have to pay it when he attains puberty.

1803. * If a person acquires wealth from another person, and doubts whether or not he has paid Khums on it, he has a discretion over it. In fact, even if he is certain that the other person has not paid Khums on it, he has the discretion over it if that person is a Shia Ithna Asheri.

1804. If a person purchases with the profit earned by him, a property which

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is not supposed to be part of his needs and annual expenses, it is obligatory on him to pay Khums on it at the end of the year. And if he does not pay Khums, and the value of the property increases, he should pay Khums on its current value. And besides property, the same rules apply to carpets etc.

1805. If a person who has never paid Khums since he became liable, purchases a property, and its price goes up, and if he had not purchased it with the intention to see its price inflated and sell - for example, if he had purchased a land for farming and paid its price out of the money on which he had not paid Khums, he should pay Khums on the purchase price. And if, he has paid to the seller the money on which Khums has not been paid by him, and told him: "I am purchasing this property with this money" he should pay Khums on the current value of that property.

1806. * If a person who has never paid Khums since he became liable for it, purchases with the profit of his trade, something which is not needed by him, and a year passes since he made that profit, he should pay Khums on that thing. And if he purchases household equipment and other necessities, in accordance with his status, it is not necessary for him to pay Khums on them, if he knows that he purchased them during the year with the same year's profit. And if he does not know, he should, as an obligatory precaution, make compromise with the Mujtahid.

2. Minerals

1807. * Gold, silver, lead, copper, iron, oil, steamcoal, Feerozah, Aqeeq, alum, salt or any other mineral are from *Anfaal*, which means that they belong to Imam (A.S.). But if anyone extracts them without any religious impediments, he can own them. And when they are of prescribed quantity, Khums must be paid on them.

1808. The taxable limit of a mineral is 15 common *mithqals* of coined gold i.e. if the value of a thing which is extracted from a mine reaches 15 *mithqals* of coined gold, the person concerned should pay Khums on it, after deducting from it the expenses which he has incurred.

1809. * If a person has derived profit from a mine, but the value of the

thing which he has extracted does not reach 15 *mithqals* of coined gold, payment of Khums on it will be necessary when that profit alone or combined with other profits of his trade exceed his expenses for one year.

1810. * Chalk, lime, fuller's-earth and red clay are, as an obligatory precaution, minerals, and one who extracts them, is required to pay Khums if the value of that mineral reached the prescribed taxable limit. This will become obligatory without deducting annual expenses

1811. If a person acquires something from a mine, he should pay Khums on it whether the mine is over the ground, or under, and whether it is located in an owned land, or at a place which has no owner.

1812. * If a person does not know whether or not the value of the thing extracted by him from a mine reaches 15 *mithqals* of coined gold, as an obligatory precaution, he should ascertain the value, as far as possible, by getting it weighed or by any other means.

1813. * If a few persons jointly extract something, and if its total value reaches 15 *mithqals* of coined gold, they should pay Khums on it, as a recommended precaution, even if the value of the share of each one of them may not be liable for Khums.

1814. * If a person extracts mineral by digging a land belonging to another person without his consent, the Fuqaha have said that it belongs to the owner of the land. But this is a matter of Ishkal, and a better alternative is that they come to some understanding between them, and if that fails, reference should be made to the Mujtahid for his decision.

3. Treasure - Trove

1815. A treasure trove is a property which is hidden underground, or in a tree or a mountain or a wall, and someone finds it out. It should be in such form that it can be called a treasure-trove.

1816. * If a person finds a treasure-trove in a land which does not belong to anyone, he can appropriate it, but he must pay Khums on it.

1817. * The taxable limit of a treasure-trove is 105 *mithqals* of coined silver or 15 *mithqals* of coined gold. It means that any thing found in the treasure should be equal to the above mentioned value of either of the metals before it becomes liable for Khums.

1818. * If a person finds a treasure-trove in a land which he has purchased from another person, and knows that it does not belong to the previous owners of the land,

nor does it belong to any other Muslim or a Zimmi who may be themselves alive, or their heirs, he can take it as his property, but he must pay Khums on it. But if he has a strong feeling that the treasure may belong to the previous owner of the land, since the land and all in it was in his sole control, he should inform the previous owner. If it turns out that the treasure is not his, he should inform the owner preceding the previous owner, and so on, and if he finds out that the treasure did not belong to them, he can appropriate it, but he must pay Khums on it.

1819. * If a person finds wealth in many containers buried at one place, and its total value is 105 *mithqals* of silver or 15 *mithqals* of gold , he should pay Khums on it. However, if he finds the treasure-trove at several places, it is obligatory on him to pay Khums on each one of those treasures whose value reaches the minimum taxable limit, and no Khums is payable on the treasure-trove whose value is lesser.

1820. * If two persons find a treasure-trove whose total value reaches 105 *mithqals* of silver or 15 *mithqals* of gold, they would not pay Khums on it if the share of each one of them may not come to the minimum taxable limit.

1821. * If a person purchases an animal, and finds some valuables in its belly, it is necessary for him to inform the seller or the previous owner about it, provided that he has a strong feeling that it could belong to either of them, and that they owned it together with what was in the belly of the animal. But if he finds that it does not belong to either, as an obligatory precaution, he will pay Khums on it, even if its value is less than the minimum limit. This rule applies to fish and its like, if they were looked after in a special place like fish farm, and someone supervised its feeding. But if the fish was caught from an open sea or a river, then it is not at all necessary to inform anyone.

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4. When Halal Property gets mixed up with Haraam Property

1822. * If halal property gets mixed up in such a way that it is not possible to identify each from the other, and the owner of the haraam property and its quantity are not known, and if it is also not known whether the quantity of the haraam property is more or less than the due Khums , the person concerned should pay Khums, with the Niyyat of *Qurbat* on the entire property, to one entitled to receive Khums and such properties whose owners are unknown, and after the payment of Khums the balance will become halal for him.

1823. If halal property gets mixed up with haraam property, and the person concerned knows the quantity of haraam property, (irrespective of it being more or less than Khums) but does not know its owner, he should give away that quantity as Sadaqah on behalf of its owner, and the obligatory precaution is that he should also obtain permission from the Mujtahid.

1824. * If halal property gets mixed up with haraam property, and the person concerned does not know the quantity of haraam property, but knows its owner, they should come to some understanding and agreement with each other, and pay the owner a sum which would ensure that the amount due has been paid up. In fact, if the

person concerned knows that it was due to his own negligence that the mix up occurred, then he should, as a precaution, pay more than what he feels might belong to the owner.

1825. If a person pays Khums on a property which has halal mixed with haraam parts, and learns later that the quantity of haraam property was more than Khums, he should give the excess as Sadaqah, on behalf of the owner of the property which has remained unlawful with him.

1826. * If a person pays Khums on a property which has been mixed up, or gives some property as Sadaqah on behalf of an unknown person, and if the owner turns up later, as an obligatory precaution, he must reimburse him his part, if he does not agree to the action taken.

1827. * If a halal property mixes up with haraam property, and the quantity of the haraam property is known, and the person concerned knows that

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the owner is one of a group, but cannot identify him, he should inform all of them. If one of them claims while others do not, or show no interest, he should hand over to the one who claimed. And if two or more people claim, he should refer to the Mujtahid for his decision after all attempts at compromise and understanding have failed. And if all of them in the group showed an interest, or did not present themselves for a compromise, then he will draw lots to determine the owner, and as a precaution, the lots will be drawn by the Mujtahid, or his Wakil.

5. Gems Obtained by Sea Diving

1828. * If pearls, corals or other gems are obtained from the sea-bed by diving, whether it is mineral or a growth, if it reaches 3/4 mithqal of gold in value (= 3.51 g.) Khums should be paid on it, regardless of whether it was brought up after a single dive or more. But if the gems were brought up in two different diving seasons, and in each case, the minimum value limit of 3.51 g. of gold was not reached, it will not be obligatory to pay Khums on either. Similarly, when diving is done in partnership, and the share of each partner is not commensurate with 3.51 g. of gold in value, Khums will not be obligatory upon them.

1829. If a person takes out gems from the sea mechanically without diving, it is obligatory on him, as a precaution, to pay Khums on it. But, it he obtains them from the surface of the sea or from the sea-shore, he should pay Khums if his income from this source alone, or in combination with other profits made by him, exceeds his expenses for one year.

1830. Khums on fish and other animals which are caught by a man without diving is obligatory, if his income from this source alone, or combined with other profits made by him, exceeds his expenses for one year.

1831. * If a person dives into the sea without the intention of bringing out anything, and by chance lays his hand on a gem, and he intends to appropriate it, he should, as a obligatory precaution, pay Khums on it. As an obligatory precaution, he should pay

Khums on it in every situation.

1832. * A person dives into the sea and brings out an animal which has a

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gem in its belly. Now, if that animal is one like a pearl oyster which usually contains a gem, he should pay Khums on it if it reaches the minimum limit in value as explained. And if it has swallowed the gem by chance, then as an obligatory precaution, Khums must be paid on it, even if it does not reach the minimum limit of the value.

1833. If a person dives in big rivers like Tigris and Euphrates, and brings out a gem, he should pay Khums on it if gems are usually produced in those rivers.

1834. * If a person dives in water and brings out some ambergris, he should pay Khums on it if it has the minimum limit value = 3.51 g. of gold. If he obtains it from the surface of the sea, or from sea-shore, the same rule will apply.

1835. If a person whose profession is diving or extracting minerals, pays Khums on what he finds, and his income exceeds his expenses for a year, it is not necessary for him to give Khums on them again.

1836. * If a child extracts a mineral, or finds a treasure-trove, or brings out gems from the sea-bed by diving, his guardian will have to pay Khums on them. And if the guardian fails to give, then the child will have to pay the Khums when he grows up to be Baligh. Similarly, if child has wealth in which halal and haraam parts are mixed up, the guardian must make that wealth *Pak*.

6. Spoils of War

1837. * If Muslims fight against the infidels by the command of the Holy Imam (A.S.) and, in the war, acquire some booty, that booty is called *Ghanimat*. And it is obligatory to pay Khums on what remains after deducting the expenses incurred for protection and transport etc. of that booty, and after setting aside what the Imam spends according to his discretion, and what he keeps as his special right. And for the liability of Khums, there is no difference between movable and immovable booty. Of course, the lands which have been seized as spoils of war belong to the Muslim public, even if the war was not fought with the permission of Imam.

1838. * If Muslims engage in a war against infidels without the permission of Imam (A.S.), and win some spoils of the war, everything that they acquire as the spoils belongs to Imam (A.S.), and the fighters have no right in it.

1839. * Anything which is in the hands of the infidels, does not become Ghanimat if the original proprietor of those things was a Muslim or a Zimmi.

1840. * To steal from a Harbi non-Muslim (one who is not under the protection of an Islamic State) is Haraam, as it is dishonesty, and also conducive to breach of the peace. Anything obtained this way should be, as a precaution, returned to them.

1841. * It is commonly held that a Momin can appropriate things owned by a Nasibi {one who is an enemy of Ahlul Bait (A.S.)} and just pay its Khums. But this is a matter of Ishkal.

7. Land Purchased by a Non-Believer Zimmi from a Muslim

1842. * If a Zimmi non-believer purchases land from a Muslim, as is commonly held by Fuqaha, the former should pay Khums on it from that land itself, or from any other property belonging to him. But liability of Khums, the way it is understood in this case, is a matter of Ishkal.

Disposal of Khums

1843. * Khums should be divided into two parts. One part is Sehme Sadaat, it should be given to a Sayyid who is poor, or orphan, or who has become stranded without money during his journey. The second part is Sehme Imam (A.S.), and during the present time it should be given to a Mujtahid, who fulfils all conditions, or be spent for such purposes as allowed by that Mujtahid. As an obligatory precaution, that Mujtahid must be Aalam, and well versed in public affairs.

1844. An orphan Sayyid to whom Khums is given should be poor. But the Sayyid who has been stranded without money while on journey, can be helped with Khums even if he may not be a poor man in his own hometown.

1845. If the journey of a Sayyid who has been stranded was with the purpose of committing a sin, as an obligatory precaution, he should not be given Khums.

1846. Khums can be given to a Sayyid who may not be A'dil, but it should not be given to a Sayyid who is not Ithna 'Ashari.

1847. Khums should not be given to a Sayyid if he is a transgressor, and Khums given to him encourages him further to commit the sins. And as a precaution, Khums should not be given to a Sayyid who is a drunkard, or does not offer his daily prayers, or commits sins openly, even if giving Khums to him may not aid him in committing sins.

1848. If a person claims that he is a Sayyid, Khums cannot be given to him unless two just ('Adil) persons confirm that he is a Sayyid, or if he is so well-known among the people, (as Sayyid) that one is sure and satisfied about him being a Sayyid.

1849. * Khums can be given to a person who is known as Sayyid in his home city, if one is not certain or satisfied about anything to the contrary.

1850. If the wife of a person is a Sayyidah, he should not, as an obligatory precaution, give Khums to her for meeting her own expenses. However, if it is obligatory on the wife to meet the expenses of others, and she cannot meet them, it is permissible to give Khums to her, so that she may meet their expenses. Similarly, one can not give Khums to her so that she may use it on her non-essential expenses.

1851. If it is obligatory on a person to meet the expenses of a Sayyid or a Sayyidah, who may not be his wife, he cannot, on the basis of obligatory precaution, give him/her food, dress and other essential items of subsistence from Khums. However, there is no harm if he gives him/her a part of Khums to meet other necessary expenses.

1852. If it is obligatory on a person to maintain a poor Sayyid, but he cannot meet his expenses, or can meet them but does not want to do so, Khums can be given to that Sayyid.

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1853. The obligatory precaution is that a needy Sayyid should not be given Khums in excess of his yearly expenses.

1854. If there is no deserving Sayyid in the hometown of a person, and if he is certain or satisfied that no such person will be available in near future, or if it is not possible to hold in safety the amount of Khums till the availability of a deserving person, he should take the Khums to another town, and give it to the deserving persons there, and he can deduct from Khums money the expenses of transfer. And if Khums is lost in the transfer due to his negligence, he should reimburse it, but if he has not failed in taking its care, it is not obligatory on him to pay anything.

1855. If there is no deserving person in his hometown, and he is certain or satisfied that such a person may be found in future, and it may also be possible to look after Khums till the availability of a deserving person, the person concerned can still take it to another town. And if despite his carefulness, Khums is lost on the way, it will not be necessary for him to pay anything. He cannot, however, deduct from Khums the expenses of transferring it to the other place.

1856. * Even if a deserving person is available in the home town of a person, he can transfer Khums to another town to give it to a deserving person. However, he himself should bear the expenses of taking Khums to the other town, and if Khums is lost, he is responsible for it, even if he may not have been negligent in looking after it.

1857. If a person takes Khums to another town in compliance with the directive of the Mujtahid, and it is lost, it is not necessary for him to pay Khums again. And the position is the same if he gives Khums to a Wakil of the Mujtahid, and the Wakil transfers it to another place, and in the process the Khums is lost.

1858. It is not permissible that the price of a commodity is inflated and then it is given as Khums. And as stated in note no. 1797, it is totally unacceptable to pay Khums from the commodity other than the one on which Khums is liable, except in the case of money for gold and silver coins etc.

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1859.* If a person is the creditor of a person who is entitled to receive Khums, and wants to adjust his debt against Khums payable by him, he should, as an obligatory precaution, either seek the permission of a Mujtahid to do so, or give Khums to the

deserving person and thereafter, the deserving person returns it to him towards the debt. He can also take the Wakalat from deserving person, receive Khums on his behalf, and then deduct his debt from it.

1860. * A person who is liable for Khums cannot lay a condition to the deserving person that he would return the sum after having received it, except when the deserving person, after having received the Khums, agrees to return it. For example, if a person owes a large sum of Khums, and is unable to pay it because of poverty, and does not wish to remain indebted to the deserving people, there will be no objection if the deserving person agrees to receive Khums from him, and then to bestow it upon him as a gift.

ZAKAT

1861. It is obligatory to pay Zakat on the following things:
(i)Wheat
(ii)Barley
(iii)Dates
(iv)Raisins
(v)Gold
(vi)Silver
(vii)Camel
(viii)Cow
(ix)Sheep (including goat)
(x)As an obligatory precaution, upon the wealth in business
And if a person is the owner of any of these ten things he should, in accordance with the conditions which will be mentioned later. put their fixed quantity to one of the uses as prescribed.

1862. On the basis of obligatory precaution, Zakat should be paid on *Sult*, which is a soft, grain like wheat with the property of barley and on *'alas* which is like wheat, and is the food of the people of San'a (Yemen).

1863. * Payment of Zakat becomes obligatory only when the property reaches the prescribed taxable limit, and if the owner of the property is free person.

1864. If a person remains the owner of cow, sheep, camel, gold and silver for 11 months, the payment of Zakat becomes obligatory for him from the first of the 11th month; but he should calculate the beginning of the new year after the end of the 12th month.

1865. * The liability of Zakat on gold, silver and merchandise is conditional to its owner being sane and Baligh. But in the case of wheat, barley, raisins, camel, cow and sheep, being sane and Baligh is not a prerequisite.

1866. * Payment of Zakat on wheat and barley becomes obligatory when they are

recognised as wheat and barley. And Zakat on raisins becomes obligatory when they call them grapes. And Zakat on dates becomes obligatory when Arabs call it Tamar. However, the time for determining the taxable limit, and payment of Zakat on wheat and barley is when they are threshed, and grains are separated from chaff; and the time for payment of zakat on raisins and dates is when they are plucked. This is also known as the time of drying up.

1867. * For establishing the liability of Zakat on items like wheat, barley, raisins and dates, it is not a prerequisite that they should be in the control of their owner, so that he can dispose it or have a discretion over it. If the owner is absent, and the goods are neither in his control nor in that of his agent, like, when it has been usurped, even than the liability of Zakat remains.

1868. * For establishing the liability of Zakat on items like gold, silver and merchandise, it is necessary that their owner is sane. If the owner remained insane throughout a year, or part of it, Zakat will not be obligatory upon him.

1869. * If the owner of cow, sheep, camel, gold and silver remains intoxicated or unconscious during a part of year, he is not excused from payment of

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Zakat and the position is the same if at the time of Zakat becoming Wajib on wheat, barley, palm-dates and raisins, he is intoxicated or unconscious.

1870. * For establishing liability of Zakat on items other than wheat, barley, raisins and dates, it is necessary that the owner has a discretion over their disposal etc. And if he is prevented from that control because of usurpation, Zakat will not be wajib.

1871. * If a person borrows gold, silver or any other thing on which it is obligatory to pay Zakat and it remains with him for a year, he should pay Zakat on it, and the lender has to pay nothing.

Zakat of Wheat, Barley, Dates and Raisins.

1872. * Zakat on wheat, barley, dates and raisins becomes obligatory when their quantity reaches the taxable limit which is 300 *saa* and it is said that it equals 847 kg.

1873. If a person and members of his family consume the grapes, dates, barley and wheat, on which payment of Zakat has become obligatory, or if, for example, he gives these things to a poor person without the intention of paying Zakat, he should give Zakat on the quantity used.

1874. If the owner of wheat, barley, dates and grapes dies after Zakat on it has become obligatory, that quantity of Zakat should be paid from his estate. However, if he dies before Zakat becomes obligatory, each one of his heirs, whose share reaches the taxable limit should pay Zakat from his own share.

1875. * A person, who has been appointed by the Mujtahid to collect Zakat, can demand it at the time of harvest when wheat and barley are threshed and chaff is separated from grains, and when the dates and grapes become dry. And if the owner

of these items does not give Zakat, and they perish, the owner should compensate for it.

1876. If payment of Zakat becomes obligatory on date tree and grapes or

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the crop of wheat and barley after one becomes its owner, one should pay Zakat on them.

1877. If a person sells the crop and trees after Zakat on wheat, barley, palm -dates and grapes becomes obligatory, the seller should pay the Zakat on them, and if he pays, it will not be obligatory on the buyer to pay anything.

1878. * If a person purchases wheat or barley or dates or grapes, and knows that the seller has paid Zakat on them, or doubts whether or not he has paid it, it is not obligatory on him (i.e. the buyer) to pay anything. But if he knows that he (the seller) has not paid Zakat on them, he should pay Zakat himself. But if the seller cheats him by telling him that he has not paid Zakat, he can reclaim from the seller the Zakat, if he has paid it.

1879. * If the weight of wheat, barley, dates and grapes is about 847 kilogrammes when they are wet, and reduces when they become dry, payment of Zakat on it is not obligatory.

1880. * If a person disposes of wheat, barley, and dates before the time of drying up, and if they reach the taxable limit after they have dried up, he should pay Zakat on them.

1881. There are three kinds of dates:
(i) Those which are dried up. Rules regarding the Zakat payable on them have already been explained above.
(ii) Those which are eaten when they are ripe.
(iii) Those which are eaten before they are ripened.
As for the second kind, if its weight comes to 847 kilogrammes after having dried up, Zakat on it becomes obligatory as a recommended precaution. And as for the third kind, Zakat on it is not obligatory.

1882. If a person has paid Zakat once on wheat, barley, dates and raisins, no further Zakat is payable on it, even if they remain with him for a few years.

1883. If wheat, barley, dates and grapes are watered with rain or river, or if they benefit from the moisture of the land, like in the case of Egyptian crops,

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the Zakat payable on them is 10% and if they are watered with buckets etc. the Zakat payable on them is 5%.

1884. If wheat, barley, dates and grapes are watered with both rain water as well as

water supplied with buckets etc. and if it is commonly said that they have been irrigated with bucket water etc. the Zakat payable on them is 5% and if it is said that they have been irrigated with river and rain water, the Zakat payable on them is 10%; and if it is commonly said that they have been irrigated jointly with both, the Zakat payable on them is 7.5%.

1885. If a person doubts about the common impression, not able to determine whether the crop was watered by rain alone or by rain and buckets together, it will be sufficient for him to pay 7.5% Zakat.

1886. If a person doubts and does not know whether it will be customarily held that the land was irrigated both ways, or that it has been watered with buckets etc. it will be sufficient for him to pay 5%. And the position will be the same if the common opinion would probably be that it was irrigated with rain water.

1887. If wheat, barley, dates and grapes are irrigated with rain and canal water and, although they did not need bucket water, yet it was also supplied, with no helpful result for the crop, the Zakat on them is 10%. And if they are watered with bucket water, without having any need of canal and rain water, but are also supplied with canal and rain water without being helpful to the crop, the Zakat on them is 5%.

1888. * If a crop is watered with bucket etc. and in the adjoining land he raises a crop which benefits from the moisture of that land (which is irrigated with bucket water etc.) and does not need extra watering, the Zakat of the crop which is watered with bucket is 5% and the Zakat of the crop in the adjoining land, as a precaution is 10%.

1889. * A person cannot deduct the expenses incurred by him on the production of wheat, barley, dates and grapes from the income obtained from them, in order to determine the minimum taxable limit. Hence if the weight

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of any one of them, before calculating the expenses was about 847 kilogrammes, he should pay Zakat on it.

1890. A person who has used seeds for farming whether he owned them or he bought them, cannot deduct their value from the total harvest for calculating the minimum taxable limit. Rather, he should calculate the taxable limit taking into account the entire crop.

1891. * It is not obligatory to pay Zakat on what government takes away from the goods or wealth itself. For example, if the harvest is 2000 kilogrammes, and government takes 50 kilogrammes from it as taxation, it is obligatory to pay Zakat on 1950 kilogrammes only.

1892. * As an obligatory precaution, a person cannot deduct from the harvest the expenses incurred by him before Zakat became due, paying Zakat on the balance only.

1893. * As for the expenses incurred after Zakat becomes obligatory, a person cannot

deduct them from the amount of the Zakat liable on him, even if, as a precaution, he may have sought permission from the Mujtahid or his Wakil.

1894. * It is not obligatory for a person to wait till wheat and barley pile up for threshing, and the grapes and dates become dry, before paying Zakat. It is permissible that as soon as payment of Zakat becomes due, he should calculate the amount of Zakat and pay.

1895. After Zakat becomes payable, a person can handover the standing crops, or dates or grapes, before their being harvested or picked, to the deserving poor, or to the Mujtahid or his Wakil, on the basis of joint ownership, and then make them share the expenses.

1896. When a person handovers Zakat of crops or dates or grapes in their essential forms to the Mujtahid or his Wakil, or to the deserving poor person, it is not necessary for him to look after those things as a joint owner, free of charge. He can charge them rental as long as these things remain on his land for harvesting and drying up.

1897. * If a person owns wheat, barley, dates and grapes in various cities, where the time of ripening of crops and fruits differ from one another, and they are not all received at one time, if all of them are considered to be the harvest of one and the same year, and if the thing which ripens first reaches the taxable limit i.e.847 kilogrammes (approx), he should pay Zakat on it at the time of its ripening and should pay Zakat on the remaining crops when they are received. But if the crop which is ready first, does not reach the minimum taxable limit, he should wait till other crops are ready. If they totally reach the taxable limit, Zakat on them will be obligatory, otherwise Zakat will not be obligatory on them.

1898. If a date tree or vine bears fruit twice in a year, and when combined they reach the minimum taxable limit, it is obligatory as a precaution, to pay its Zakat.

1899. If a person has a quantity of dates or grapes which have not dried up, and which would reach the taxable limit when dried up, he can replace them with fresh fruits (i.e. dates and grapes) with the purpose of giving Zakat, provided that, if they were dry they would be equal to the obligatory amount of Zakat.

1900. If it is already obligatory on a person to pay Zakat on dry dates or raisins, he cannot replace it with fresh, green dates or grapes. And, if he calculates the value of Zakat and gives green grapes or dates or other dry raisins or dates against that value, it is a matter of Ishkal. Also, if it is obligatory on a person to pay Zakat on green dates or grapes, he cannot pay it with dry dates or raisins, And, if after calculating the value of Zakat, he pays it from other dates or grapes, it will be a matter of Ishkal even if the other dates and grapes were green and fresh.

1901. If a person dies with a debt, and has a property on which Zakat has become due, it is necessary that, in the first instance, the entire Zakat should be paid out from that property, and thereafter pay his debt.

1902. * If a person dies with a debt and also has wheat, barley, dates or grapes, and, before Zakat on these things become obligatory, his heirs paid

his debt from other property, the heir, whose share equals to 847 kilogrammes (approx) should pay Zakat. And if the debts of the deceased was not paid before Zakat on these things became obligatory, and if his estate just equals his debt, it is not obligatory for the heirs to pay any Zakat. And if the property of the deceased is more than his debt, and if the debt calls for payment from a quantity of wheat, barley, dates, and grapes, then whatever is paid towards the debt will have no liability of Zakat. In the residue, whoever from the heir receives a share equal to the minimum taxable limit, should pay Zakat.

1903. If wheat, barley, dates and raisins on which Zakat has become obligatory, are of good quality and inferior quality, the obligatory precaution is that Zakat for each of the two categories should be given separately from its respective type.

Minimum Taxable Limit of God

1904. There are two taxable limits of gold: The first limit is 20 *mithqals* (sharee), one *mithqals* being equal to 3.456 grms. Hence when the quantity of gold reaches 20 *mithqals* and other requisite conditions are also fulfilled, one should pay 1/ 40th part of it, which is equal to 1.728 grms, as Zakat. And if the quantity of gold does not reach this limit, it is not obligatory to pay Zakat on it. The second taxable limit of gold is applicable when gold, in addition to 20 *mithqal* sharee is further increased. If an additional of 4 *mithqal* sharee takes place to 20 sharee *mithqals*, one should pay Zakat on the total quantity at the rate of 2.5%. And if the addition is less than 4 sharee *mithqals*, Zakat will be payable on 20 sharee *mithqals* only; and it will not be obligatory to pay it on the additional quantity. The same rule applies as and when ongoing additions take place in the quantity of gold, like, if a further increase of 4 *mithqals* takes place, Zakat should be paid on the entire quantity, and if the increase is less than that, no Zakat will be payable.

Taxable Limit of Silver

1905. There are two minimum taxable limit for silver. The first is 105 ordinary *mithqals* equal to 483.88 gms. Therefore, when the quantity of silver

reaches that limit, and other necessary condition are also fulfilled one should pay 2.5% of it as Zakat. And if the quantity of silver does not reach the aforesaid limit, it is not obligatory to pay Zakat on it.

The second limit of silver is when there is an addition of 21 *mithqals*, that is, if an addition of 21 *mithqals* takes place to 105 *mithqals*, the Zakat should be paid on 126 *mithqals*. If addition is less than 21 *mithqals* he should pay Zakat on 105 *mithqals* only, and no Zakat is payable on additional quantity. The same rule applies as and when ongoing additions take place in the quantity of silver, like, if 21 *mithqals* are further added, he should pay Zakat on entire quantity and if the addition is less than the quantity which has been added and is less than 21 *mithqals*, is not liable to any

Zakat. Thus, if a person gives 1/40 of all the gold or silver he possesses, he will have paid the obligatory Zakat, and sometimes even more than that. For example, if a person has 110 *mithqals* of silver and gives 2.5% of that, he will have paid Zakat on 105 *mithqals* which was obligatory, and also sometimes on 5 *mithqals* which was not obligatory.

1906. If a person possesses gold or silver which has reached the taxable limit, and even if he has paid Zakat on it, he should continue to pay Zakat on it every year, as long as it does not reduce from the minimum limit.

1907. Zakat on gold and silver becomes obligatory only when they are made into coins, and are in currency for transactions. Zakat should, however, be paid on them even if their stamp has been effaced.

1908. It is obligatory, as a precaution, to pay Zakat on coined gold and silver worn by women as ornaments, as long as such coins are legal tenders, that is, transactions are made with them as gold and silver currency. It is not, obligatory to pay Zakat on them if they have ceased to be legal tenders.

1909. If a person possesses gold and silver neither of which is equal to the first minimum limit, for example, if he has 104 *mithqals* of silver and 19 *mithqals* of gold, it is not obligatory for him to pay Zakat.

1910. As stated earlier, Zakat on gold and silver becomes obligatory only when its taxable quantity is owned by a person for 11 months continuously.

If therefore, the quantity falls bellow the taxable limit at any time during the period of 11 months, it is not obligatory for him to pay Zakat on them.

1911.* If during the period of 11 months, a person who possesses gold and silver exchanges them for something else, or melts them, it is not obligatory for him to pay Zakat on them. However, if he changes them from coins to plain gold or silver, to avoid payment of Zakat, the obligatory precaution is that he should pay Zakat.

1912. If a person melts gold and silver coins in the twelfth month, he should pay Zakat on them, and if their weight or value is reduced because of melting, he should pay Zakat which was obligatory on those coins before they were melted.

1913.* If gold and silver possesses by a person is partly of superior quality and partly of inferior quality, he can pay Zakat of each from its respective quality. But, as a precaution, he should not pay entire Zakat based on the inferior quality. In fact, it is better that he should give the entire Zakat based on the gold and silver of superior quality.

1914. If gold and silver coins have more than usual quantity of alloy, but if they are still known as gold and silver coins, payment of Zakat on them is obligatory if they have reached the taxable limit, although in their pure form they may not reach the taxable limit. But, if they are not called gold and silver coins, liability of Zakat on

them is a matter of Ishkal, even if in their pure form they may reach the taxable limit.

1915. If gold and silver coins have usual amount of alloy in them, he can pay Zakat on them with gold and silver coins which contain more than usual quantity of alloy, or with coins which are not made of gold and silver, provided that its quantity equals the value of Zakat.

Zakat Payable on Camel, Cow, and Sheep (including Goat)
1916.* For Zakat on camel, cows and sheep (including goats) there are two additional conditions, besides the other usual conditions:

The animal should have grazed in the jungle or open fields for one year. If it is fed with cut or plucked grass, or if it has grazed in the farm owned by its owner, or somebody else, there is no Zakat on it, except when it was only a matter of day or two during which the animal fed itself with the grass from its master farm.

As a matter of precaution, it is not a condition that the camel, cow or small cattle should not have worked during the whole year. In fact, Zakat on them will be obligatory, if they are used for irrigation and ploughing the land.

1917. If a person purchases or leases for his camel, cow and sheep, a pasture which has not been cultivated by anyone, Zakat becoming liable is a matter of Ishkal, though as a precaution, Zakat be paid. But, if he pays tax on grazing his animal, then he should pay Zakat.

Minimum Taxable Limit of Camel
1918. Camel has 12 taxable limits:
(i) 5 camels: and the Zakat on them is one sheep. As long as the number of camels does not reach five, no Zakat is payable on them.
(ii)10 camels: and the Zakat on them is 2 sheep.
(iii) 15 camels: and the Zakat on them is 3 sheep
(iv) 20 camels: and the Zakat on them is 4 sheep
(v) 25 camels: and the Zakat on them 5 sheep
(vi) 26 camels: and the Zakat on them is a camel which has entered the 2nd year of its life.
(vii) 36 camels: and the Zakat on them is a camel which has entered the 3rd year of its life.
(viii) 46 camels: and the Zakat on them is a camel which has entered in the 4th year of its life.
(ix) 61 camels: and the Zakat on them is a camel which has entered the 5th year of its life.
(x) 76 camels: and the Zakat of them is 2 camels which have entered the 3rd year of their life.
(xi) 91 camels: and the Zakat on them is 2 camels which have entered the 4th year of their life.
(xii) 121 camels and above: In this case, the person concerned should

either calculate the camels on group of 40 each, and give for each set of forty camels a camel, which has entered the third year of its life; or calculate them on groups of 50 each and give as Zakat, for every 50 camels, a camel which has entered the 4th year of its life, or he may calculate them in the groups of forty and fifty. However, in every case he should calculate in such a way that there should be no balance, and even if there is a balance, it should not exceed nine. For example, if he has 140 camels he should give for 100 camels, two such camels as have entered the fourth year of their life, and for the remaining forty camels, he should pay one camel which has entered the third year of its life. And the camel to be given in Zakat should be female.

1919. It is not obligatory to pay Zakat in the between two taxable limits. Therefore, if the number of camels with a person exceeds the first taxable limit, which is 5 camels, but does not reach the second taxable limit which is 10 camels, he should pay Zakat on only 5 of them, and the same way with the succeeding taxable limits.

Minimum Taxable Limit of Cow

1920. Cow has two taxable limits. Its first taxable limit is 30. If the number of cows owned by a person reaches 30, and other conditions mentioned above are fulfilled, he should give by way of Zakat a calf which has entered the 2nd year of its life; and the obligatory precaution is that the calf should be a male. And its second taxable is 40, and its Zakat is a female calf which has entered the 3rd year of its life. And it is not obligatory to pay Zakat when the number of the cows is between 30 and 40. For example, if a person possesses 39 cows, he should pay Zakat on 30 cows only. Furthermore, if he possesses more than 40 cows but their number does not reach 60, he should pay Zakat on 40 cows only. And when their number reaches 60, which is twice as much as the the first taxable limit, he should give as Zakat 2 calves, which have entered the 2nd year of their life. And similarly, as the number of the cows increases, he should calculate either in thirties or in forties or from 30 and 40, and should pay Zakat in accordance with the

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rule explained above. However, he should calculate in such a way, that there should be no remainder, and in case there is a remember, it should not exceed 9. For example, if he has 70 cows, he should calculate at the rate of 30 and 40 and should pay Zakat for 30 of them at the rate prescribed for 40 of them, because if he calculates at the rate of 30, 10 cows will be left without Zakat being paid on them.

Taxable Limit of Sheep (including Goats)

1921. Sheep has 5 taxable limits:

- The 1st taxable limit is 40, and its Zakat is one sheep. And as long as the number for sheep does not reach 40, no Zakat is payable on them.
- The 2nd taxable limit is 121, and its Zakat is 2 sheep
- The 3rd taxable limit is 201, and its Zakat is 3 sheep
- The 4th taxable limit is 301, and its Zakat is 4 sheep
- The 5th taxable limit is 400 and above, and in this case calculation should be made in hundreds, and one sheep should be given as Zakat for each group of 100 sheep.

And it is not necessary that Zakat should be given from the same sheep. It will be sufficient if some other sheep are given, or money equal to the price of the sheep is

given as Zakat.

1922. It is not obligatory to pay Zakat for the number of sheep between the two taxable limits. So, if the number of sheep exceeds the first taxable limit (which is 40), but does not each the 2nd taxable limit (which is 121), the owner should pay Zakat on 40 sheep only, and no Zakat is due on the sheep exceeding that number, and the same rule applies to the succeeding taxable limits.

1923. When the number of camels, cows and sheep reaches the taxable limit, payment of Zakat an them becomes obligatory whether all of them are males or all are females, or some of them are males and some are females.

1924. In the matter of Zakat, cows and buffaloes are treated to be of the same class, and Arabian and non-Arabian camels are also of the same group, Similarly, for the purpose of Zakat, there is no difference between a goat, a sheep and a one-year old lamb.

1925. If a person gives a sheep as Zakat, it is necessary, as an obligatory precaution, that it should have at least entered the 2nd year of its life, and if he gives a goat it should have, on the basis of precaution, entered the 3rd year of its life.

1926. If a person gives a sheep as Zakat, there is no harm if its value is slightly less as compared with his other sheep. However, it is better that he should give as Zakat the sheep whose value is more than his other sheep, and the same rule applies for cows and camels.

1927. If some persons are partners, then the person whose share reaches the first limit should pay Zakat. It is not obligatory on the person whose share does not reach the first taxable limit to pay Zakat.

1928. If person has cows or camels, or sheep at various places, and combined together they reach the taxable limit, he should pay Zakat on them.

1929. Even if the cows, sheep and camels possessed by a person are unhealthy and defective, he should pay Zakat on them.

1930. If all cows and sheep and camels possessed by a person are unhealthy and defective, he can play Zakat from amongest them. However, if all of them are healthy and young and with no defect, he cannot pay the Zakat liable on them from unhealthy, defective and old ones. In fact, if some of them are healthy and others are unhealthy, and some are defective and others are without any defect, and some are old and others are young, the obligatory precaution is that he should give as Zakat those animals which are healthy, have no defect and are young.

1931. * If before the expiry of the 11th month, a person changes his cows, sheep and camels with something else, or changes his taxable limit with an equivalent number of the same kind of animals - for example, if he gives 40 sheep and takes new 40 sheep - it is not obligatory on him to pay Zakat, if this was not done to avoid Zakat. But if it

was done to avoid Zakat, then as an obligatory precaution, Zakat must be paid if their benefits are common, like, if the exchange milk-giving sheep for milk-giving sheep.

1932. If a person who is required to pay Zakat on cows, sheep and camels, gives that Zakat from his other property, he should pay Zakat on the animals every year as long as their number has not become less than the taxable limit. But if he gives Zakat from those very animals and they become less than the first taxable limit, payment of Zakat is not obligatory on him. For example, if a person who owns 40 sheep, gives their Zakat out of his other property, he should pay ones sheep every year as long as their number does not become less than 40, and if he pays Zakat from those very sheep, payment of Zakat will not be obligatory on him till such time when their number reaches 40.

Zakat on Business Goods

Goods earned by commutatives contracts, and set aside for investment in business or profit earning, is, as a precaution, liable for Zakat if certain conditions are fulfilled. The rate of zakat is 1/ 40.
(i) The owner of the goods should be baligh and sane.
(ii) The goods should have reached the taxable limit, which is equal to that of gold and silver.
(iii) The goods should have remained for one year ever since the owner intented to invest it for profit.
(iv) The intention of investing it for profit should have remained unchanged throughout the year. If the intention changes, like, when he decides to spend it for maintenance, then he will not pay its Zakat.
(v) The owner should be actually capable of its disposal throughout the year.
(vi) Throughout the year, the owner should have a buyer of the goods equal to the capital or more. If, during the year, he gets a buyer for the goods for less then capital outlay, it will not be obligatory upon him to pay its Zakat.

Disposal of Zakat

1933.* Zakat can be spent for the following eight purposes:

(i) It may be given to poor person, who does not possess actual or potential means to meet his own expenses, as well as that of his family for a period if one year. However, a person who has an art or possesses property or capital to meet his expenses, is not classified as poor.

(ii) It may be paid to a miskin (a destitute person) who leads a harder life than a Faqir (a poor person)
(iii)It can be given to a person who is a Wakil of Holy Imam (A.S) or his representative to collect Zakat, to keep it in safe custody, to maintain its accounts and to deliver it to the Imam or his representative or to the poor.
(iv) It can be given to those non-Muslims who may, as a result, be inclined to Islam,

or may assist the Muslims with the Zakat for fighting against the enemies, or for other justified purpose. It can be given to those Muslims also whose faith in the Prophet or in the Wilayat of Amirul Momineen is unstable and weak, provided that, as a result of giving, their faith is entreched.
(v) It can be spent to purchase the slaves to set them free, the details of which have been given in its relevant Chapter.
(vi) It can be given to an indebted person who is unable to repay his debt.
(vii) It may be spent in the way of Allah for things which has common benefit to the Muslims; for example, to construct a mosque, or a school for religious education, or to keep the city clean, or to widen or to build tar roads.
(viii) It may be given to a stranded travellar.
These are the situation in which Zakat can be spent. But in situation number 3 and 4, the owner cannot spend without the permission of Imam (A.S) or his representive; and the same applies to the 7th situation, as per obligatory precaution. Rules relating to these are explained in the following article:

1934. The obligatory precaution is that a poor and destitute person should not receive Zakat more than his expenses and those of his family, for one year. And if he possesses some money or commodity, he should receive Zakat equivalent to the shortfall meeting his expenses for a year.

1935. If a person had enough amount to meet his expenses for a year, and he spent something out of it, and then doubts whether or not the remaining amount will be sufficient to meet his expenses for one year, he cannot receive Zakat.

1936. An artisan, a land-owner, or a merchant whose incomes is less than his expenses for one year can take Zakat to meet his annual shortfall, and it is not necessary for him to sell off his tools, property, or spend his capital in order to meet his expenses.

1937. * A poor person who has no means of meeting his own expenses, and those of his family, for one year, can receive Zakat, even if he owns a house in which he lives, or possesses a means of transport, without which he cannot lead his life, or it may be to maintain his self-respect. And the same rule applies to household equipments, utensils and dresses for summer and winter, and other things needed by him (i.e. he can take Zakat even if he possesses these things). And if a poor person does not have these essential things, he can purchase them from Zakat, if he needs them.

1938. If it is not difficult for a poor person to learn an art, he should not, as an obligatory precaution, depend on Zakat. However, he can receive Zakat as long as he is learning the art.

1939. * If a person who was poor previously says that he is still poor, Zakat can be given to him, even if the person giving Zakat may not be satisfied with what he says. But if a person was not known to be poor previously, Zakat cannot be given to him, as a precaution, till one is satisfied about his poverty.

1940. If aperson says that he is poor, and he was not poor previously, and if one is not

satisfied with what he says, the obligatory precaution is that Zakat should not be given to him.

1941. If a Zakat giver is the creditor of a poor person, he can adjust the debt against Zakat.

1942. If a poor man dies, and his property is not as much as it may liquidate his debt, the creditor can adjust his clain against Zakat. And even if his property is sufficient to clear his debt, but his heirs do not pay his debt, or the creditor cannot get back his money for any other reason, he can adjust the debt against Zakat.

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1943. It is not necessary for a person who gives Zakat to mention to the poor that it is Zakat. In fact, if the poor feels ashamed of it, it is recommended that he should not mention at all that he ahs given with the intention of Zakat.

1944. * If a person gives Zakat to someone thinking that he is poor, and understands later that he was not poor, or owing to his not knowing the rule, gives Zakat to a person who he knows is not poor, it will not be sufficient. Hence, if the Zakat which he gave to that poor still exists, he should take it back from him, and give it to the person entitled to it. And if that thing does not exist, and the person who took it was aware that he was given from Zakat, the Zakat payer should obtain its substitute from him, and give it to a person entitled to it. And if the receiver was not aware that it was Zakat, nothing will be taken from him, and the person who has to pay Zakat will give the substitute from his own property.

1945. A person who is indebted and is unable to repay his debt, can receive Zakat to repay it, even if he has the means to meet his expenses for one year. However, it is necessary that he should not have spent the loan for some sinful purpose.

1946. * If a man gives Zakat to someone who is indebted and who cannot repay his debt, and understands later that he had spent the loan sinful purpose, if that debtor is poor, the man can adjust the sum as Zakat given to poor.

1947. If a person is indebted and is unable to repay his debt, although he is not poor, the creditor can adjust against Zakat the amount which that person owes him.

1948. If a traveller is stranded because he has no money left with him, or his means of transport does not function, he can receive Zakat, provided that his jouney is not for a sinful purpose, and that he cannot reach his destination by taking a loan or by selling something. He can receive Zakat even if he is not poor in his hometown. But if he can raise money for the expenses of his journey to another place nearby, by borrowing money or selling

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something, he should take only that much of Zakat, which would enable him to reach that place.

1949. * If a stranded traveller takes Zakat, and upon reaching his hometown finds that some of it has remained unspent, he should send it back to the giver of Zakat, and if he cannot do so, he should give to the Mujtahid mentioning that it is Zakat.

Qualification of those Entitled to Receive Zakat. 1950. * It is necessary that the person to whom Zakat is paid is a Shi'a Ithna'ashari. If, therefore, one pays Zakat to a person under the impression that he is a Shi'ah, and it transpires later that he is not a Shi'ah, one should pay Zakat again.

1951. If a child or an insane Shi'ah person is poor, a person can give Zakat to his guardian with the intention that whatever he is giving will belong to the child or to the insane person.

1952. If a person has no access to the guardian of the insane person, he can utilise Zakat for the benefit of the child or of the insane person himself, or through an honest person. And he will do the Niyyat of Zakat, when the money has reached for the purpose.

1953. * Zakat can be giving to a poor man who begs, but can not be given to a person who spends it for sinful purpose. In fact, as a precaution, it can cannot be giving to a poor man who, as a result of receiving, feels encouraged to commit sins, even if he does not spend that sum for sinful purposes. In fact, as a precaution, it cannot be given to a poor man who, as a result of receiving, feels encouraged to commit sins, even if he does not spend that sum for sinful purposes.

1954. * As an obligatory precaution, Zakat cannot be given to a drunkard, or one who does not offer daily prayers, or one who commits major sins openly.

1955. The debt of a person who cannot repay his debt can paid from Zakat even if his maintenance is obligatory on the one giving Zakat.

1956. A person cannot pay from Zakat the expenses of his dependents, like, his children. But, if he himself fails to maintain them, others may give them from Zakat.

1957. * There is no harm if a person gives Zakat to his deserving son for spending on his wife, servant and maid servant.

1958. Father cannot pay for the religious or secular books requored by his son for education, from Zakat money, except when public welfare warrants it, and as a precaution, he has sought the permission of the Mujtahid.

1959. * If a father is not financially capable of getting his son married, he can get him married by spending Zakat, and the son can similarly do so for his father.

1960. * Zakat cannot be given to a wife whose husband proides for her subsistence, nor to one whose husband does not provide for he subsistence, if it is possible for her to refer to Mujtahid who would compel him to provide.

1961. If a woman who has contracted temporary marriage (Mut'ah) is poor, her husband and others can give her Zakat. But if the contract had a condition that the husband would maintain her for her expenses, or if it is obligatory on the husband for some other reason to maintain her, and he fulfils the obligation, Zakat cannot be given to her.

1962. A wife can give Zakat to her husband who may be poor even if the husband may in turn spend that Zakat for her, being his wife.

1963. * A sayyid cannot take Zakat from a non-Sayyid. However, if khums and other religious dues are not sufficient to meet the expenses of a Sayyid and he has no alternative, he may take Zakat from a non-Sayyid.

1964. Zakat can be given to a person about whom one is not sure whether he is a Sayyid or not.

Intention of Zakat 1965. * A person should give Zakat with the intention of *Qurbat*, that is, to comply with the pleasure of Almighty Allah. And he should specify in his Niyyat, whether he is giving the Zakat on his wealth, or Zakatul Fitra. Also, if it is obligatory on him to give Zakat on wheat and barley, and if he wants to pay a sum of money equal to the value of Zakat, he should specify whether he is paying in lieu of wheat or barley.

1966. * If a person becomes liable to pay Zakat on various items, and he gives a part of Zakat without making Niyyat of any of those items, if the thing which he has given is of the same class as any one of those items, it will be reckoned to be Zakat on that very commodity. For instance, if it is obligatory on a person to pay Zakat on 40 sheep and on 15 mithqals of gold, and he gives one sheep as Zakat wohout any specified Niyyat of either, it will be treated to be Zakat on sheep. But if he gives some silver coins or bank notes, which does not belong to either class, as it is neither sheep nor gold, it is a matter of Ishkal and the Zakat will not be considered as paid.

1967. * If a person appoints someone as his representative to give away the zakat of his property, he should, while handing over Zakat to the representative, make Niyyat that whatever his representative will later give to a poor is Zakat. And it is better that his Niyyat remains constant till Zakat reaches the poor.

1968. * If a prson gives Zakat to poor, or to the Mujtahid, without making the Niyyat of Qurbat, it will be accepted as Zakat, although he will have committed a sin for not having the Niyyat of Qurbat.

Miscellaneous Rules of Zakat 1969. As a precaution, when wheat and barley are separated from chaff, and when dates and grapes become dry, their owner should give Zakat to poor or separate it from his wealth. Similarly, Zakat on gold, silver, cow, sheep and camel should be given to poor, or separated from one's wealth after the expiry of eleven months. However, if he awaits a particular poor person, or wishes to give it to a poor with some excelling virtue, he may not separate the Zakat from his wealth.

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1970. It is not necessary that after separating Zakat, a person should pay it at once to a deserving person. But, if a deserving person is accessible, then the recomended precaution is that payment of Zakat should not be delayed.

1971. If a person who could deliver Zakat to a deserving person did not give it, and it was lost due to his negligence, he should give its replacement.

1972. * If a person who can deliver Zakat to a deserving person, does not do so, and it is lost without his being careless about it, if he had a good reason for the delay, there is no obligation to make its substitute, like, if he was waiting for a particular poor person, or if he wanted to distribute over many poor people, gradually. But if he had no good reason for the delay, he should give its substitute.

1973. If a person separates Zakat from that wealth on which it had become due, he has the right of disposal over the remaining amount, and if he separates it from his other property, he has the discretion over the entire property.

1974. When a person has separate Zakat from his property, he cannot utilise it and replace it with other payment.

1975. If some profit accures from the Zakat which a person has set apart for exmple, if a sheep which has been ear-marked for Zakat gives birth to a lamb - it belongs to the poor.

1976. If one entitled to Zakat is present when a person separates Zakat from his property, it is better that he should give the Zakat to him, except that he has a person in view who is preferable, for some reason, to receive Zakat.

1977. * If a person trades with the property set apart for Zakat, without obtaining the permission of Mujtahid, and sustains a loss, he should not deduct anything from Zakat. However, if he makes a profit, he should give it, as an obligatory precaution, to a person entitled to receive Zakat.

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1978. If a person gives in advance to poor, with the Niyyat of Zakat while it has not yet become obligatory on him. it cannot be treated as Zakat. But after Zakat becomes obligatory on him, he can calculate it as Zakat, provided that the thing given is not used up, and that the poor continues to be deserving.

1979. If a poor person knows that Zakat has not become obligatory on a particular person, and takes something from him as Zakat, and it is used up or destroyed while it is with him, he is responsible for it. And when Zakat becomes obligatory on the person, if the poor is still deserving, the Zakat payer can adjust the Zakat liability against what he had already given.

1980. If a poor person did not know that Zakat had not become obligatory on a

particular person, and he takkes something from him as Zakat and it perished while it is with him (i.e. the pauper) he will be responsible for it, and the person who gives Zakat cannot adjust it against Zakat.

1981. It is Mustahab to give Zakat on cows, sheep and camels to those poor who have integrity; and while giving Zakat he should give preference to his deserving relatives over others. Similarly, he should give preference to the learned person over those who are not learned, and to those who do not beg over those who beg. But, if giving Zakat to a particular poor is better for some other reason, it is Mustahab that Zakat to be given to him.

1982. It is better that Zakat is given openly, and Mustahab Sadaqa are given secretly.

1983. * If there are no deserving person in ones hometown, nor can he spend it for any other purpose prescribed for Zakat, and he does not hope that he will be able to find a deserving person ;ater, he should take zakat to some other town, and spend it for an approariate purpose. With the permission of he Mujtahid, he can deduct from Zakat the expenses of taking it to the other town, and he will not be responsible if it is lost.

1984. Even if a deserving person is available in the home town of a person, he can take Zakat to another town. However, he will pay himself the

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expenses of taking it to the other tow, and will be responsible if it is lost, except when he takes it with the directive of the Mujtahid.

1985. The charges for weighing and selling of wheat, barley, raisins and dates, which a person gives as Zakat, are to be paid by him.

1986. If a person has to pay as Zakat 2 *mithqals* and 15 grams of silver or more, he should not, as a recommended precaution, give less than 2 *mithqals* and 15 grams to one poor. Also, if he has pay something other than silver, like wheat and barley, and its value reaches 2 *mithqal* and 15 grams of silver he should not, as a recommended precaution, give less than that to one poor.

1987. It is Mokrooh for a man to request the deserving person to sell back to him the Zakat which he has received from him. However, if the deserving person wishes to sell the thing which he has received after its price has been agreed, the man who has given him Zakat will have the priority over others.

1988. If a person doubts whether or not he gave the Zakat which had been obligatory on him, and the property on which Zakat was due is also existent, he should give Zakat even if he doubts is with regard to Zakat of earlier years. And if the liable property no more exist, no Zakat is due one it even if the doubt relates to Zakat for the current year.

1989. * A poor man cannot compromise for a quantity of Zakat before having received it, or accept as Zakat something costlier than its actual value. Similarly, the

the owner cannot give Zakat to a deserving person on a condition that he would return it. However, there is no objection if the deserving poor, after having received the Zakat agrees to return it. For example, a person owes a large sum of Zakat, and becauseof poverty is unable to pay Zakat, and he repents for not having paid and seeks forgiveness from Allah, the derserving recipient can, of his own pleasure, bestow it back on him after having received it.

1990. * A person cannot purchase the Holy Qur'an or religious book or prayer books from Zakat property, and dedicate them as WAQF, except

when it becomes necessary for public welfare, and for that also, as an obligatory precaution, he must seek permission from the Mujtahid.

1991. A person cannot purchase property with Zakat and betow it upon his children or upon persons whose maintenance is obligatory on him, so that they spend its income for their expenses.

1992. * A person can spend Zakat to go to Hajj, Ziyarat etc. even if he may not be poor, or draw from Zakat an amount equal to his annual expenses, provide that it is in the interest of the public, and if, as a precaution, he has abtained permission from the Mujtahid.

1993. * If the owner of a property makes a poor man his agent to distribute Zakat of his wealth, and if the poor has a feeling that the intention of the owner was that he himself (i.e. the poor man) should not take anything out of Zakat, he cannot take anything from it for himself. But, if he is sure that the owner had no such intention, he can take for himself also.

1994. If a poor man gets camel, cow, sheep, gold and silver as Zakat and if the condition for Zakat becoming obligatory are fulfilled, he will have to give Zakat on them.

1995. * If two persons are join owners of a property on which Zakat has become obligatory, and one of then pays Zakat for his share, and thereafter they divide the property, even if he knows that his partner has no paid Zakat on his share, and is not going to pay it aferwards, there is no objection if he excerses the right of discretion over his own share.

1996. * If a person owes Khums or Zakat and also owes Kaffarah and Nadhr etc, but he is also indebted and cannot make all these payment, and if the property on which Khums and Zakat has become obligatory has not been used up, he should give Khums and Zakat, and if it has ben used up, the debt, Zakat and Khums will have priority over Kaffarah and Nadhr.

1997. * If a person owes Khums or Zakat and has an obligation of Hajj and is also indebted, and he dies, and his property is not sufficient for all these

things, if the property on which Khums and Zakat become obligatory has not ceased to exist, Khums or Zakat should be paid and the balance should be spent on repaying the debt. And if the property on which Khums and Zakat become obligatory has ceased to exist his property should be spent to pay his debt, and if anything remains it should be spent on Hajj. If there is still an excess, then it must be divided between Khums and Zakat.

1998. * If a person is acquiring knowledge and as an alternative he can earn his livelihood, Zakat can be given to him if acquiring that knowledge is obligatory. And if acquiring that knowledge is in the public interest, he can be given Zakat with the permission of the Mujtahid, as a precaution. In the absence of these two circumstances, it is not permissible to give him from Zakat.

Zakat of Fitrah, 1999. * At the time of sunset on Eid ul fitr night (i.e the night preceding Eid day), whoever is adult and sane and is neither unconscious, nor poor, nor the slave of another, he should give, on his own behalf as well as on behalf of all those who are his dependents, about three killos per head of wheat or barley or dates or raisins or rice or millet etc. It is also sufficient if he pays the price of one of these items is cash. As per obligatory precaution, he should not give from that food which is not staple in his place, even if it be wheat, barley, dates or raisins.

2000. If a person is not in a position to meet his own expenses, as well as those of his family, for a period of one year, and has also no one who can meet these expenses, then he is a poor person, and it is not obligatory on him to pay Zakat of fitrah.

2001. One should pay Fitrah on behalf of all those persons who are treated as his dependents at his house on the nightfall of Eid ul fitrah, whether they be young or old, Muslims or non-Muslims; irrespective of whether or not it is obligatory on him to maitain them, and whether they are in his own town or in some other town.

2002. If a person appoints his dependent who is in another town, to pay his

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own fitrah from his property, and is satisfied that he will pay the fitrah, it will not be necessary for the person to pay that dependent's fitrah.

2003. * It is obligatory to pay the fitrah of a guest who arrives at his house before sunset on Eid ul fitr night, with his consent, and he becomes his temporary dependent.

2004. The fitrah of a guest who arrives at his house on the night of Eid ul fitr before sunset, without his consent, and stays with him for some time, is also, as per obligatory precaution, wajib upon the host. Similarly, if he is forced to maintain someone, his fitrah will be obligatory upon him.

2005. If a guest arrives after sunset on Eid ul fitr night, and is considered to be dependent upon the master of the house, payment of his fitra his obligatory on the master of the house, as an obligatory precaution; but otherwise it is not obligatory, even if he may have invited him before sunset and may have broken his fast at his

house.

2006. If a person is insane at the time of sunset on the night of Eid ul fitr, and his insanity continues till on the Eid ul fitr, it is not obligatory on him to pay the fitrah. Otherwise it is necessary for him as an obligatory precaution to give fitrah.

2007. * If a child becomes baligh, or an insane person becomes sane, or a poor person becaomes self sufficient during sunset, and satisfies the conditions of fitrah becoming obligatory on him, he should give fitrah.

2008. If it is not obligatory on a person t pay fitrah at the time of sunset on the night of Eid ul fitr, but necessary condition making obligatory on him develop before Zuhr on Eid day, the obligatory orecaution is that he should pay fitrah.

2009. If a non-Muslim become a Muslim after the sunset on the night of Eud ul fitr, it is not obligatory on him to pay fitrah. But if a Muslim who was not a Shi'ah becomes a Shi'ah after sighting the moon, he should pay fitrah.

2010. * It is Mustahab that a person who affords only one *sa'a* (about 3 kilos) of wheat etc. should also pay fitrah. And if he has family members and wishes to pay their fitrah as well, he can give that one *sa'a* to one of his family members with the intention of fitrah ans that member can give it to another family memeber, and so on, till the turn of the last person comes; and it is better that the last person gives what he receives to a person who is not one of them. And if one of them is minor, his guardian can take fitrah on his behalf, and the precaution is the thing taken for the minor should not be given to anyone else.

2011. If one's child is born after the sunset on the night of Eid ul iftr, it is not obligatory to give its fitrah. However, the obligatory precaution is that one should pay the fitrah of all those who are considered one's dependents after sunset, till before the Zuhr of Eid.

2012. * If one who was dependent of a person, and becomes dependent of another before sunset, fitrah is obligatory on the other person whose dependent one has become. For example, if one's daughter goes to her husband's house before sunset, her husband should pay her fitrah.

2013. If the fitrah of a person is obligatory on another person, it is not obligatory on him to give his fitrah himself.

2014. * If it is obligatory on a person to pay the fitrah of another person, but he does not pay it, its payment will be, as an obligatory precaution, obligatory on the latter. So, if all the conditions mentioned in rule 1999 are fulfilled, he must pay his own fitrah.

2015. If it is obligatory on a person to pay the fitrah of another person, his obligation will not end if the latter himself pays own fitrah.

2016. In the case of a wife who is not maintained by her husband, is she is dependent upon someone else, that person will have to pay her fitrah. But if she is not dependent on any one else, she will pay her own fitrah if she is not poor.

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2017. A person, who is not a Sayyid, cannot give fitrah to a Sayyid, and if that Sayyid is his dependent, he cannot give to another Sayyid either.

2018. The fitrah of a child who sucks the milk of its mother or a nurse, is payable by one who bears the expenses of the mother or the nurse. But, if the mother or the nurse is maintained by the property of the child itself, payment of fitrah for the child is not obligatory on the any one.

2019. Even if a person maintains the members of his family by haram means, he should pay their fitrah out of halal property.

2020. * If a person employs someone like a carpenter, or a servant, and agrees to maitain him fully, he should pay his fitrah as well. But, if he agrees that would pay him for his labour, it is not obligatory on him to pay his fitrah.

2021. * If a person dies before sunset on the nitht of Eid ul fitr, it is not wajib to pay his fitrah or that of his family, from his estate. But if he dies after sunset, it is commonly held that fitrah will be obligatory, but i is not devoid of Ishkal. However, it is better to act on precaution, and pay his fitrah as well as that of his family.

Disposal of Fitrah 2022. * As an obligatory precaution Fitrah should be paid to Shia poor only, who fulfil the conditions mentioned for those who deserve receiving Zakat. But if there is no deserving Shiah in one's hometown, it cab be given to other deserving Muslims. But in no circumstances should Fitrah be given to *Nasibi* - the enemies of Ahlul Bait (A.S).

2023. If a Shiah child is poor, one can spend fitrah on him, or make it his property by entrusting it to its guardian.

2024. * It is not necessary that the poor to whom fitrah is given should be Adil (a just person). But, as an obligatory precaution, fitrah must not be given to a drunkard, or one who does not offer his daily prayers, or comits sins openly.

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2025. Fitrah should not be given to a person who spends it on sinful acts.

2026. * The recommended precaution is that a poor person should not be given fitrah which is less than *sa'a* (about 3 kilos). However, there is no harm if more than that is given to him.

2027. * When the price of a superior of a commodity is double that of the ordinary, like, when the price of a particular kind of wheat is double that of the price of its ordinary kind, it is not sufficient to give half a *sa'a* of the wheat of superior quality as

fitrah, Also, it is not sufficient if the value of half a *sa'a* is given with the Niyyat of fitrah,

2028. One cannot give as fitrah, half a *sa'a* of one commodity (eg. wheat)and half *sa'a* of another commodity (eg. barley), and if he gives these with the Niyyat of paying the price of fitrah even then it is not sufficient.

2029. * It is Mustahab that while giving Zakat of fitrah, one should give preference to one's poorrelatives and neighbours, and then to give preferenceto the learned person over others.

2030. * If a man gives fitrah to a person thinking that he is a poor, and understands later that he was not poor, and if the property which he gave to him has not ceased to exit, he should take it back from him, and give it to a person who deserves. But if he cannot take it back from him, he should replace it from his own property. And if what he gave as fitrah is used up, and the person who took fitrah knew that he had receive fitrah, he should gives its substitute, but if he did not know it, it is not obligatory on him to give substitute, and the man who gave fitrah should give it once again.

2031. * If a person claims to be poor, fitrah cannot be given to him unless one is satisfied with his claim; or, if one knows that the claimant has been poor previously.

Miscellaneous Matters Regarding Fitrah. 2032. * One should give fitrah with the Niyyat of *Qurbat*, that is, to fulfil

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the orders of Almighty Allah, and should intend to giving fitrah at the time of disposal.

2033. * It is not correct to give fitrah before the month of Ramadhan, and it is better that it should not be given even during the month of Ramadhan. However, if a person gives loan to a poor person before Ramadhan, and adjusts the loan against fitrah, when payment of fitrah becomes obligatory, there is no harm in it.

2034. * It is necessary that wheat or any other thing which a person gives as fitrah is not mixed with another commodity or dust, and if it is mixed, but in its pure form it equals a *sa'a* (about 3 kilos) and the quantity of the thing mixed with it is negligible or usable, there is no harm in it.

2035. If a person gives fitrah from a thing which is inferior or defective, it will not be sufficient.
2036. If a person gives fitrah on behalf of a number of persons, it is not necessary for him to pay all from the same commodity. For example, if he gives wheat as fitrah of some of them of and barley for others, it is sufficient.

2037. If a person offers Eid ul fitr prayers, he should, on the basis of obligatory precaution, give fitrah before Eid prayers. But if he does not offer Eid prayers, he can delay giving fitrah till Zuhr.

2038. If a person sets aside fitrah from his main wealth, and does not give it to a person entitled to receive it till Zuhr of Eid day, he should make Niyyat of fitrah as and when he gives it.

2039. If a person does not give fitrah at the time when its payment becomes obligatory, and does not also set it aside, he should give fitrah later on the basis of precaution, without making the Niyyat of ada or qadha.

2040. If a person sets aside fitrah, he cannot take it for his own use, and replace it with another sum or thing.

2041. If aperson possesses wealth whose value is more than fitrah, and if he does not give fitrah but makes a Niyyat that a part of that wealth is for fitrah, it is a matter of Ishkal.

2042. * If the thing set aside for fitrah is lost, he should replace it if a poor person was available, and the fitrah giver delayed giving it, or, he failed to look after it properly. But, if a poor person was not available, and he cared for it properly, he is not responsible to replace it.

2043. If a deserving person is available in the hometown of a person, the obligatory precaution is that he should not transfer the fitrah to some other place, and if he does and it is lost, he should give its replacement.

Hajj

2044. * Hajj (pilgrimage) means visiting the House of Allah (Ka'bah), and performing all those worshipful acts which have been ordered to be performed there. It is obligatory on a person once in his lifetime, provided that he fulfils the following conditions:
(i) He should be baligh.
(ii) He should be sane and free, that is, he should not be insane and should not be a slave.
(iii) Because of proceeding to Makkah for Hajj, he should not be obliged to commit a haraam act, avoidance of which is more important than Hajj, nor should he be compelled to forsake an obligatory work which is more important than Hajj.
(iv) He should be capable of performing Hajj, and this depends upon number of factors:
(a) He should possess provisions and means for transportation, if need be, or he should have enough money to buy them.
(b) He should be healthy and strong enough to go to Makkah and perform Hajj, without suffering extreme difficulties.
(c) There should be no obstacle on the way. If the way is closed, or if a person fears that he will lose his life, or honour, while on his way to Makkah, or he will be robbed of his property, it is not obligatory on him to perform Hajj. But if he can reach Makkah by another route, he should go to perform Hajj, even if the other route is a

longer one. But that route should not be unusually longer.
(d) He should have enough time to reach Makkah, and to perform all the acts of worship in Hajj.
(e) He should possess sufficient money to meet the expenses of his dependents whose maintenance is obligatory on him, like, his wife and children, as well as the expenses of those who have to be paid, like, servants, maids, etc.
(f) On return from Hajj, he should have some means of livelihood, like, income from the property, farming, business, employment etc. so that he may not lead a life of hardship.

2045. When a person is in need of owning a house, performance of Hajj will be obligatory on him if he also possesses money for the house.

2046. If a wife can go to Makkah but does not have any means of support on her return, and if her husband is also poor, and cannot provide her subsistence, subjecting her to hard life, Hajj will not be obligatory on her.

2047. If a person does not possess necessary provision for the journey, nor any means of transport, and another person asks him to go for Hajj undertaking to meet his expenses as well as of his family during his Hajj, and he (i.e. the person who is asked to go for Hajj) is satisfied with what the other man offers, Hajj becomes obligatory on him.

2048. * If a person is offered the expenses of his return journey to Makkah, as well as the expenses of his family during the period of Hajj, Hajj becomes obligatory on him, even if he is indebted, and does not possess means of support with which to lead his life after his return. But if the days of Hajj and the days of his work coincide, meaning that if he abandons his work and goes for Hajj, he will not be able to pay his debts in time, nor support himself for the rest of the year, Hajj will not be Wajib on him.

2049. * If a person is given expenses of going to and returning from Makkah, and the expenses of his family during that period, and is asked to go to Hajj without mentioning that the help given is his property, performance of Hajj becomes obligatory on him, if he is satisfied that it will not be taken back from him.

2050. If a person is given an amount to cover expenses just sufficient for Hajj, with a condition that on his way to Makkah he will serve the person who gave the expenses, Hajj does not become obligatory on him.

2051. If a person is given monetary help to enable him to perform obligatory Hajj, and he does perform Hajj, another Hajj will not become obligatory on him if he himself becomes wealthy.

2052. If a person goes, for example, to Jeddah in connection with trade, and

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acquires sufficient money to go to Makkah, he should perform Hajj. And if he

performs Hajj, performance of another Hajj will not be obligatory on him, if he later acquires enough wealth to enable to go to Makkah from his hometown.

2053. If a person is hired to perform Hajj on behalf of another person, but he cannot go for Hajj himself, and wishes to send someone else, he should seek permission from the person who hired him.

2054. * If a person could afford to perform Hajj but did not perform it, and then became poor, he should perform Hajj facing all odds. And if he is not at all able to go for Hajj, and if another person hires him for Hajj, he should go to Makkah and perform Hajj on behalf of the person who has hired him. He should then remain in Makkah for a year if possible, and perform his own Hajj. But, if it is possible that he is hired and given his wages in cash, and the person who hires him agrees that he may perform Hajj on his behalf next year, he should perform his own Hajj in the first year, and that on behalf of the person who has hired him, in the second year, if he feels that he might not be able to perform his own Hajj in the following year.

2055. * If a person goes to Makkah in the year in which he can afford to perform Hajj, but cannot reach Arafat and Mash'arul Haram at the prescribed time, and cannot afford to go for Hajj during the succeeding years, Hajj is not obligatory on him. But, if he could afford to go for Hajj in the earlier years, and did not go, he should perform Hajj in spite of all difficulties.

2056. * If a person did not perform Hajj in the year in which he could afford to go for Hajj, and cannot perform Hajj now owing to old age, or ailment, or weakness, and does not hope that in the future, he will be able to perform Hajj in person, he should send someone else to perform Hajj on his behalf. In fact, even if he does not lose hope, the obligatory precaution is that he should hire a person. And when he becomes capable afterwards, he should perform Hajj himself also. And the same applies if a person becoming capable of going to Hajj for the first time, is prevented to perform Hajj because of old age, ailment or weakness, and loses hope of gaining strength. In all these cases, however, he should, as a recommended precaution, hire a male person, and the one who is going to Hajj for the first time.

2057. * A person who has been hired by another person to perform Hajj should perform Tawafun Nisa also on his behalf, failing which his own wife (i.e. the wife of the hired person) becomes haraam for him.

2058. If a person does not perform Tawafun Nisa correctly, or forgets to perform it, and if he remembers it after a few days and returns to perform it, his action is in order. And if his returning is difficult for him, he can depute another person to perform the Tawaf on his behalf.

Transactions

Rules Regarding Purchase and Sale

2059. * It is recommended for a business man to learn the rules of daily transactions. In fact, if due to ignorance, he may necessary contradict the laws of Shariah, then it is obligatory upon him to learn. Imam Ja'far Sadiq (A.S) is reported to have said: " *A person who wishes to engage in business, should learn its rules and laws, and if he makes any transaction without learning them, he may suffer because of entering into a void or doubtful transaction.*

2060. * If a person is not aware, because of ignorance about the relevant laws, whether the transaction made by him is valid or void, he cannot have any discretion over the property which he has acquired, unless he knows that the other party has no objection to it. In any case, the transaction remains void.

2061. If a person does not possess any wealth, and it is obligatory on him to maintain his dependents, like, his wife and children, he should start earning. Moreover, to earn is recommended for Mustahab acts like providing better means of livehood to one's family, and helping the poor persons.

Mustahab Acts

* The following are Mustahab in connection with sale and purchase
(i) One should not discriminate between various buyers while charging for the commodities, except in the case of poor people.
(ii) One should not be adamant about the prices, unless one feels that one is being duped or cheated.
(iii) One should give a little more of the thing one sells, and should take a little less of the thing which one buys.
(iv) If the buyer regrets having ppurchased something, and wishes to return it, the seller should accept it back.

Makrooh Transactions

2062. * The following are Makrooh transactions;
(i) To sell the land, except when one wishes to purchase another land with its proceeds.
(ii) To be a bucher.
(iii) To make a shround selling one's vocation.
(iv) To enter into transaction with people of low character.
(v) To make it one's vocation to buy or sell wheat and barley, or other similar commodities.
(vii) To interfere in a deal being carried out by a Muslim, and make one's own offer.

Haraam Transactions

2063. * There are many Haraam deald and business, some are mentioned below;
(i) To sell and purchase intoxicating beverages, non-hunting dogs, pigs, an undlaughtered carcas (as a precaution)> Besides, if a permissible use of *Najisul Ayn* is possible, like, excrement and faeces being converted to manure of fertilisers, its transation is permitted, but as a precaution, such sale and purchase should be avoided.
(ii) Sale and purchase of usurped property.

(iii) As a precaution, it is haraam to sell and purchase those things which are not usually considered to be merchandise, like, the sale and purchase of wild beats, if it deos not involve any substantial gain.
(iv) Any transaction which involves interest.
(v) Sale and purchase of those things which are usually utilised for haraam acts only, like, gambling tools.
(vi) A transaactions which involves fraud or adulteration, like, where one commodity is mixed with another, and it is not possible to detect the adulteration, nor does the seller inform the buyer about it, like, to sell ghee mixed with fat. This act is called cheating (ghish) or adulteration. The holy Prophet of Islam (s.a.w.a) said: *" If a person makes a deceiful transaction with the Muslim, or puts them to a loss, or cheats them, he is not one of my followers. And when a persom cheats his fellow Muslim (i.e. sells him an adulterated commodity), Allah deprives him of Blessings in his livelihood, close the means of his earning, and leaves him to himself*."

2064. * There is no harm in selling *Pak* thing which has become najis, but can be made *Pak* by washing it. And if it cannot be made *Pak* with water, and its use does not require it to be *Pak*, like some oils, its sale is permissible. In fact, even if its use requires it to be *Pak*, if it has substantial halal benefit, its sale is permitted.

2065. *If a person wants to sell a najis thing, he should inform the buyer about it, because by not telling hum, he might do something contrary to the rule of Shariah. For example, if he sells him najis water which the buyer may require for Wudhu or Ghusl, and to offer his obligatory prayers, or he sells him something which he uses as food or drink - in all such cases, the seller should inform the buyer. Ofcourse, if the seller knows that it is no use informing the buyer who is careless, and does not care about Tahart or Najasat, then it is not necessary to inform.

2066. * Although the purchase and sale of najis medicines for internal or external use is permissible, the buyer should be informed about it in situations explained in the foregoing rule no 2065.

2067. * There is no objection to selling or buying the oils which are importanted from non-Islamic countries, if it is not known to be najis. And as for the fat which is obtained from a dead animal, if there is a probability that it belongs to an animal which has been slaughtered according to Islamic law, it will be deemed *Pak*, and its sale and purchase will be permissible, even if it is required from a non-Muslim or is imported from non-Islamic countries. But it is haraam to eat it, and it is necessary for the seller to inform the buyer about the situation, so that he does not commit anything contrary to his religious responsibility.

2068. * If a fox, or any other such animal, is slaughtered according to the religious law, or dies a natural death, it is haraam to purchase or sell its hide, as a precaution.

2069. * The purchase and sale of hide and skin which is important from the non-Islamic country, or is bought from non-Muslim, is permissible provided that one feels strongly that the animal was most probably slaughtered according to Islamic law. And, namaaz with it will be in order.

2070. * The fat obtained from a dead animal, and the hide obtained from a Muslim, when one knows that the Muslim has obtained it from a non-Muslim, without investigating whether or not the animal has been slaughtered according to Islamic law, is pak, and its sale and purchase permissible. But it is not permissible to eat it.

2071. * Transaction of intoxicating drinks is haraam and void.

2072. Sale of usurped property is void, and the seller should return to the buyer the money taken from him.

2073. If a buyer is seriouse about a transaction, but his intention is not to pay the price of the commodity being purchased by him., this intention will not affect the validity of the transaction, though it is absolutely necessary that he should pay the money to the seller.

2074. If a person has purchased a commodity on credit, and wishes to pay its price later from his haraam earning or wealth, the transaction will be valid, but, he will have to pay the amount which he owes from halal property, in order to be absolved of his responsibility.

2075. * Purchase and asle of instruments of entertainment like, guitar, lute and harmonium etc, is haraam, and as a precaution, the same rule applies to small musical instruments made as toys for the children. However, there is no harm in selling and purchasing instrument of common use, like radio and tape-recorder, provided that it is intended to use it for haraam purposes.

2076. If a thing which can be used for halal purpose is sold with the intention of putting it to haraam use- for example, if grapes are sold so that wine may be prepared with them, the transaction is haraam, and as a precaution the deal is void. However, if the seller does not sell it with that Niyyat, but only knows that the buyer will prepare wine with the grapes, the transaction will be in order.

2077. * Making a human sculpture or that of an animal, is haraam, but

there is no harm in purchasing and selling it, though as a precaution, it should be avoided. However, painting human portraits or animals is permissible.

2078. * It is haraam to purchase a thing which has been acquired by means of gambling, theft, or a void transaction, and if a person buys such a thing from a seller, he should return it to its original owner.

2079. * If a person sells ghee mixed with fat and specifies it, for example, he says: *" Iam selling 3 kilos of ghee"* - the transaction will be void if the quantity of fat is more, to the extend that it cannot ne called ghee. But if the quantity of fat is small, so that it can just be classified as ghee mixed with fat, the transaction will be valid. But the

buyer has a right of refusal, based on the deficiency in the quality, and can therefore cancel the deal and ask for the refund. And if ghee and fat are distinct from each other, ther deal convering and fat will be void, and the seller will have to refund the price of that fat, and keep the fat for himself. But in this case also, the buyer has a right of cancelling the transaction of pure ghee which is in it. Where the seller does not say thatt he is selling a particular thing, and just sells, say 3 kilos of ghee he possess, and if it turns out to be ghee mixed with fat, the buyer can return it, and ask for pure ghee.

2080. If a seller sells a commodity which is sold by weight or measurement, at a higher rate against the same commodity, like, if he sells 3 kilos of wheat for 5 kilos of wheat, it is usury usury and, therefore, haraam. In fact, if one of the two kinds of same commodity is faultless, and the other is deffer, and the seller asks for more than the quantity he gives, even then it usury and haraa. Hence, if a person gives unbroken copper or brass and takes more of broken copper and brass instead, or gives a good quantity of rice, and ask for more of inferitity of raw gold, it is usury and haraam.

2081. If the thing, which he asks for in addition, is different from the commodity which he sell, like, if he sells 3 kilos of wheat against 3 kilos of wheat and one dirham cash, even it is usury and haraam. In fact, if he does not take anything in excess, but imposes the condition that the buyer would render some service to him, it is also usury and haraam.

2082. * If the person who is giving less quantity of commodity, supplements it with some other thing, for example,, if he sells 3 kilos of wheat, there is no harm in it, provided that the intention is that the handkerchief is for the xcess he is receiving, and also that transaction is not on credit. And if both the parties supplement the commodity with something, like 3 kilos 3of wheat with a handkerchief is sold for 3 1/2 kilos and handkerchief, there is no objection to it, provided that the intention is that half of wheat with the handkerchief on one side, was given for the a handkerchief on the other.

2083. * If a person sells something by measuring in mater or yard, like cloth, or something which is sold by counting like eggsand walnuts, and asks for more intead, there is no objection, except when the commodity exchanged are of the same kind and the transaction is on credit, then it is not permissible. For example, if he gives ten eggs on a condition that he should receive eleven eggs after a month, it is a void and haraam transaction. In matters of the currency notes, a person can sell one type of it for another, like *toman* against *dollar* or credit, and on condition to receive more. But if he sells *toman* for *toman*, expecting more, then that transaction should not be on credit; otherwise it will be void and haraam. For example, if a person gives 100 *toman* cash, on a condition that after six months he should be given 110 *toman*, that is void and haraam.

2084. * If a commodity is sold in most of the cities by weight or measurement, and in some cities by counting , there is no objection if that commodity is sold by counting. Similarly, if the cities are different, and if it cannot be said that the majority of the cities sell the commodity by weight or measurement or by counting, every city will be

governed by custom prevaling in it.

2085. * In commodities which are sold by weight or measurement, if a person sells a commodity in exchange of something which does not belong to the same category, and if the deal is not on credit, he can take more. But if it is on credit, it is not permissible. Hence, if he sells one kilo of rice for two kilos of wheat on a month's credit, that transaction is void.

2086. * If a ripe fruit is exchanged for the raw fruit of the same type, one cannot take more. And Fuqaha have commonly held that if a commodity taken in exchange is from the same origin, one should not take more. For example, if someone sells one kilo of ghee made from cow milk for one and half kilos of cheese made from cow milk, it will be usury and therefore haraam. But this generalisation is a matter of Ishkal.

2087. * From the point of usury, wheat and barley are commodities of one and the same category. Hence, if a person gives 3 kilos of wheat and takes in exchang thereof, 30 kilos of barley, on the condition that he would give in exchange 30 kilos of wheat at the time of its harvest, it is haraam, because he has taken barlry on the spot and will give wheat some time later, and this amounts to taking something in excess, and thereof haraam.

2088. * Father and son, husband and wife can take interest from each other. Similarly, a Muslim can take interest from a non-Muslim who is not under protection of Islam. But a transaction involving interest is completed, and the deal is closed, if payment of interest is permissible in the religion of that non-Muslim, a Muslim can receive interest from him.

Conditions of a Seller and a Buyer

2089. * There are six conditions for the seller and buyer:
(i) They should be baligh.
(ii) They should be sane.
(iii) They should not be impudent, that is, they should not be squandering their wealth.
(iv) They should have a serious and genuine intention to sell and purchase property a commodity. Hence, if a person says jocking, that he has sold his property, that transaction is void.
(v) They have not been forced to sell and buy.
(vi) They should be the rightful owners of the commodity which they wish to sell, or give in exchange. Rules relating to these will be explained in the following.

2090. * To conduct business with a child who is not baligh, and who makes a deal indenpendently, is void, except in things of smallvalue, in which transactions are normally conducted with the children who are can discern. But if a discerning child is accompanied by his guardian, and he pronounces the confirmation of the deal, then the transaction is valid in every situation. In fact, if the commodity or money is the

property of another person, and that child sells that commodity or purchase something with that money, as an agent of the owner, the transactionis in order, even if the discerning child may possessing that property or money, on his own. And similarly, if the child is medium of payment to the seller, and carrying the commodity to the seller, the transaction is volid, even if the child may may not be discerning (i.e one who can distinguish between good and bad) because in reality, two adult person have entered into the contract.

2091. * If a person buys something from a child who is not baligh, or sells something to him, in a situation when the transaction is not valid, he should give the commodity or money back to his guardian, if it was the child's own property, or to its owner, if it was the property of someone else, or should obtaine the owner's agreement. But if he does not know its owner, and has also no means to identify him, he should give the thing taken from the child to a poor on behalf of its owner as *Radde Mazalim* , and in so doing he should, as an obligatory precaution, seek the Mujtahid's permission.

2092. * Ifa person concludes a transaction with a discerning child (i.e. one who can distinguish between good and evil), in a situation when it is not valid to conclude a transaction with him, and the commodity or money which he gives to the child is lost, he can claim it from the child after he attains the age of *bulugh*, or from his guardian. But if the child is not discerning, he will have no right to claim anything from him.

2093. *If a buyer or seller is forced to conclude a transaction and he concludes after the transaction is conluded (i.e. if he says *I agree*) the transaction is valid. However, the recommended precaution is that the formula of the transaction should be repeated.

2094. If a person sells the property of another person without his consent, and if the owner of the property is not agreeable to the sale, and does not grant permission, the transaction is void.

2095. The father or parternal granfather of the child and the executor of the father and the excutor of the parternal guardiantfather of the child, can sell the property of the child, and if the circumstances demand, and Adil Mujtahid can also sell the property of an insane person, or an orphan, or one who has disappeared.

2096. If a person usurped some property, and sells it after the sell, the owner of the property allows the transaction, the transaction is valid, and the thing which the usuper sold to the buyer and the profits accrued to it, from the time of transaction, belongs to the buyer. Similarly, the thing given by the buyer, and the profits accrued to it from the time of the transaction belong to the person whose property was usurped.

2097. If a person usurps some property, and sells it with the intention that the sele proceeds should belong to him, and if the owner of the property allows the transaction, the transaction is valid, but the sale proceeds will belong to the owner, and not to the usurper.

Conditions Regarding Commodity and What is Obtained in Exchange

2098. * The commodity which is sold, and the thing which is received in exchange, should fulfil five conditions:
(i) Its quantity should be known by means of weight or measure or counting etc.
(ii) It should be transferable, otherwise the deal will be void, except when a transferable object is supplemented to it. But if the buyer can hinself manage to find the thing he has bought, even if the seller is unable to hand it over, the deal will be valid. For example, if a person sells horse whin has run away, and the buyer can find it, the transaction will be valid, and there will be no need to supplement it with any transferable object.
(iii) Those details of the commodity, and the thing accepted in exchange, which influence the mids of the people in deciding about the transaction, must be clearly described.

(iv) The ownership should be unconditional, in a manner that, once it is out of his ownership, he foresakes all his rights over it.
(v) The seller should sell the commodity itself and not its profit. Hence, if he sells one year's profit of a house, it will not be in order. But, if a buyer gives profit of his property in exchange, like, if he buys a carpet from someone and in lieu thereof gives him the profit of his house for one year, there is no harm in it. Details of these will come later.

2099. If a commodity is sold in a city by weight or measurement, one should purchase that commodity in that city by weight or measure. But if the same commodity is sold is sold in another city at sight, one can purchase it in that city at sight.

2100. A commodity which is normally sold by weighing, can also be sold by measure. For example, if a person wants to sell ten kilos of wheat, he should fill a measure which takes one kilo of wheat, and give ten such measures to buyer.

2101. * If the transaction has become void because of the absence of any of the aforesaid conditions, except the fourth - but the buyer and the seller agree to have the right of discretion over their exchanged commodities, there is no objection if they do so.

2102. * The transaction of a Waqf property is void, However, if it is so much impaired, or is on the verge of being impaired, that it can not be possible used for the purpose for which it was dedicated, like, if the mat of a mosque is so torn, that it is not possible to offer prayers on it, it can be sold by trustee or someone in his position. And if possible, as a precaution, its sale proceeds should be spent in the same mosque, for a purpose akin to the aim of the person who oringinally waqfed it.

2103. * When serious difference arise between the persons ofr whom waqf is made, to the extend that it may be feared that if the qaqfed property is not sold, property or life of some person is endangered, some Fuqaha have ruled that the property may be sold off, and the sale proceeds be spent for a purpose akin to the object of the person who originally made the waqf. But.

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this rule is not devoid of Ishkal. But if the person who made waqf made a condition that it be sold when aadvisable, then there will be no objection to it being sold off.

2104. There is no harm in buying and selling a property which has been leased out to another person. However, the leaseholder will be entitled to know utilise the property during the period of lease. And if the buyer does not know that the property has been leased out, or if he purchases it under the impression that the period of lease is short, he can cancel the transaction when he comes to know of the true situation.

Formula of Purchase and Sale

2105. It is not necessary that the formula of purchase and sale be pronounced in Arabic. For example, if the seller says in any language: *I have sold this property in exchange of this money"* and the buyer says: *I accept it"* the transaction is in order. However, it is necessary that the buyer and the seller should have Niyyat of *Insha'* - which means that by uttering the above mentioned words, they are genuinely intent upon buying and selling.

2106. If the formula is not uttered at the time of transaction, but the seller hands over to the buyer that which he owns, in exchange of the property which he takes from the buyer; the transaction is in order, and both of them become the owners.

Purchase and Sale of Fruits

2107. * It is in order to sell the fruits before plucking them, when the flowers have fallen, and when the seeds have been formed, provided that, it is also known that it saved from harm or decay, and uts quantity can be fairly estimated. In fact, when it is still not known whethetr the formed seeds have passed the stage of any harm or decay, if the fruit sold is two years old or more, or it is hust the quantity which has presently grown, and it has a substantial value, the sale transaction will be valid. Similarly, if other produce grown from earth or anything else is sold together with the fruits, the transaction will be valid. But, as an obligatory precaution, this supplement must be such that if the seeds fail to develop into fully grown fruits, the capital invested by the buyer is not lost.

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2108. * It is also permissible to sell the fruits growing on the tree, which have not yet developed the seed, and whose flowers have not yet fallen. But it must be sold along with something which grows from the earth (like vegetables) so that, as explained in the foregoing rule, the buyer sustains no loss. Or the fruits must be more than one year old.

2109. * There is no harm in selling the dates which have become yellow or red while they are still on the tree, but the debts of the same tree or any other should not be exchanged for them. But, if a person owns a date tree in the house or garden of another person, and if the quantity of the dates of the house or garden of another person, and if the quantityof the detes of that tree is estimated, and the owner of the tree sells them to the owner of the house or the garden , and dates are exchanged in lieu of them, there is no harm in it.

2110. * There is no harm in selling cucumber, brinjals, vegetables etc. which are picked several times during a year, provided that, they have grown and are visible and provided that, it is agreed as to how many times during the year the buyer would pick them. But if they have not grown nor can they be seen, their sale is matter of Ishkal.

2111. * If after the ears of wheat have devoloped seeds, they are sold for the wheat obtained from the same harvest, or from other ears, the transaction will not be valid.

Cash and Credit

2112. * If a commodity is sold for cash, the buyer and seller can, after concluding the transaction, demand the commodity and money from each other and take possession of irt. The possession of immovable things, like, house, land, etc. and the moveable things, like, carpets, dress etc. means that the original owner renounces all his right over them, and hands it over to the opposite party with full right of discretion over it. In practice, the mode of delivery may vary acciording to the situation.

2113. When something is sold on credit, the period should be fixed clearly. If, a commodity is sold with a condition that the seller would receive the

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price at the time of harvest, the transaction is void, because the period of credit has not been specified clearly.

2114. * If a commodity is sold on credit, the seller cannot demand what he has to receive from the buyer before stipulated period is over. However, if the buyer dies, and has some property of his own, the seller can claim the amount due ti him from the heirs of the buyer, before the stipulated period is over.

2115. If a person sells a commodity oncredit, he can demand the debt from the buyer after expiry of the stipulated period. However, of the buyer cannot pay it, he should give him extention of time, or rescind the transaction, and take back the commodity.

2116. If a person gives a quantity of some commodity on credit to a person who does not know its price, and the seller does not tell him its price, the transaction is void. However, if he gives it on credit to a person who knows its cash price, and charges a higher price - for examople, if he tells him *" I shall charge ten cents per doller more on the commodity, which I am giving to you on credit, as a compared to what I charge against cash"* - and the buyer accepts this condition, there is no harm in it.

2117. If a person sells sells a commodity on credit, and stipulates a period for receiving its price, and for example, after the passage of half of the stipulated period, he reduces his claim and takes the balance in cash, there is no harm in it.

Conditions for Contract by Advance Payment

2118. * Purchase by advance payment means that a buyer pays the price of a commodity, and takes it possition later. Hence, the transaction will be in order, if, for example, the buyer says: " I am paying this amount so that I may take possession of such and such commodity after six months", and the seller says, *I agree*", or the seller accepts the money and says *I have sold such and such thing and will deliver it after*

six months"

2119. * If a person sells, on advance payment basis, coins which are of gold

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and silver, and takes gold or silver coins exchange for them, the transaction is void. But if he sells a commodity or money which is not of gold and silver, and takes another commodity, or gold or silver money in exchange, the transaction is in order if it conforms with the seventh condition of the rules which follows. And the recommended precaution is that one should take money and not other commodity in exchange for the commodity sold.

2120. * There are seven conditions of advance payment contract:

(i) The characteristic, due to which the price of a commodity may vary, should be specified. However, it is not necessary to be very precise, it will be sufficient if it can be said that its particulars are known.
(ii) Before the buyer and the seller separate from each other, the buyer should hand over full amount to the seller, or if the seller is indebted by way of cash to the buyer for an equivalent amount, the buyer can adjust it against the price of the commodity, if the seller agrees to it. And if the buyer pays certainpercentage of the price of the price of that commodityto the seller, the transaction will no doubt be valid equal to that percentage, but the seller can recind the transaction.
(iii) The time-limit should be stipulated exactlty. If the seller says that he would deliver the commodity when the crop is harvested, the transaction is void, because, in this case, the period has not been specified exactly.
(v) The weight or measure of the commodity should be specified. And there is harm in selling through advance payment contract, a commodity which is usually bought and sold by sight. However, for such a deal, one must be careful that the difference in the quality of individual items of the commodity must be negligible small, like in the cases of walnuts and eggs.
(vii) If the commodity sold belongs to the category which is sold by way of weight and measure, then it must not be exchanged for the same com-

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modity. In fact, as an obligatory precaution, it must not be exchanged for any other commodity which is sold is the one of which is sold by weight and measure. And if the commodity sold is the one which is sold by counting, then asa precaution, it is not permissible to exchange it for the same commodity in increased number.

Laws Regarding Advance Payment Contract
2121. * If a person purchases a commodity by way of advance payment, he is not entitled, till the expiry of the stipulated period of delivery, to sell it to anyone except the seller, but there is no harm in selling it to any person after the expiry of the stipulated period, even if he may not have taken possession of it yet. However, it is not permissible to sell cereals like wheat and barley, and other commodities which are sold by weighing or measuring other than fruits, unless they are in possession, except that the buyer wishes to sell them at cost or lower price.

2122. * In advance payment purchase transaction, when the seller delivers at the stipulated time the commodity which he had sold, the buyer should accept it. Also, if the seller gives something better in quality than the one agreed upon, and if it is reckoned to belong to the same type, the buyer should accept it.

2123. If the commodity which the seller delivers is of inferior quality to that which was agreed upon, the buyer can reject it.

2124. If the seller delivers a commodity different from the one he has sold to the buyer, and the buyer agrees to accept it, there will be no objection to it.

2125. * If a commodity which was sold by advance payment becomes scarce at the time when it should be delivered, and the seller cannot supply it, the buyer may wait till the seller procures it, or even cancel the transaction, and take the refund, but as a precaution, he cannot sell it back to the seller at a profit.

2126. * If a person sells a commodity promising to deliver it after some time, and also agrees to take deferred payment for it, the transaction is void.

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Sale of Gold and Silver Against Gold and Silver

2127. * If gold is sold against gold, and siver is sold against silver, whether it is in the form of coins or otherwise, if the weight of one of them is more than that of the other, the transaction is haraam and void.

2128. * If gold is sold aginst silver, or silver is sold against gold, the transaction is valid, and it is necessary that their weight be equal, burt if it is sold on credit or stipulated time, the transaction will be void.

2129. * If gold or silver is sold against gold or silver, it is necessary for the seller and the buyer that before they separated from each other, they should deliver the commodity, and its exchange to each other. And if even a part of the thing about which agreement has been made, is not delivered to the person concerned, the transaction becomes void.

2130. If either the seller or the buyer delivers the stock in full as agreed, but the other person delivers only a part of his stock, and they separate from each other, the transaction with regard to the part exchanged will be valid, but the person who has not received the entire stock can cancel the transaction.

2131. * If silver dust from a mine is sold against pure silver, and gold dust from a mine is sold against pure gold, the transaction is void, unless one is sure that the quality of silver dust is equal to the quantity of pure silver. However, there is no harm is selling silver dust against gold, or gold dust against silver, as mentioned earlier.

Circumstances in Which One Has to cancel a Transaction

2132. * The right to cancel a transaction is called *Khiyar*. The seller and the buyer can cancel a transaction in the following eleven cases:

(i) If the parties to the transaction have not parted from each other, though theyu may have to left the place of agreement. This is called *khiyarul majlis*
. (ii) If the buyer or the seller has bean cheated in a sale transaction, or in any other sort of deal, either of the parties has been deceived, they have a right to call off the deal, This is called *Khiyar of Ghabn*. This *Khiyar* stems from the fact that each side in any deal wishes to ensure thathe does

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has receive less than what he has given, and he has been cheated, he should have the right to back out. But if one has in mind if he is given less than what he has delivered, or is paid less than what he deserved, he will ask for the difference, he should first demand the difference before cancelling the deal.
(iii) If while entering into a transaction, it is agreed that up to a stipulated time, one or both the parties will be entitled to cancel the transaction. This is called *Khiyarush Shart*. (iv) If one of the parties presents his commodity as better than it actually is, and thereby attracks the buyer, or makes him more enthusianstic about it,. This is called *Khiyar tadlis* .
(vi) If one of the parties to the trnsaction stipulates that the other would perform a certain job, and that condition is not fulfilled. Or if it is stipulated that the commodity will be of particular quality, and the commodity supplied may be lacking in that quality. In these cases, the party which laid the condition can cancel the transactio. This is called *Khiyar takhalufish shart*.
(vi) If the commodity supplied is defective. This is called *Khiyarul 'aib*.
(vii) If it transpires that a quality of the commodity under transaction is the property of the third person. In that case, if the owner of that part is not willing to sell it, the buyer can cancel the transaction, or can claim back from the seller the replacement of that part, if he has alrady paid for it . This is called *Khiyarush Shirkat*.
(viii) If the owner describes certain qualities of his commodity which the buyer has bot seen, and the the buyer can realises that the commodity is not asthe described, the buyer can recind the deal. Similarly, if the buyer may have seen the commodity sometimes back, and the purchases it thinking that the qualities it had then will be still existing, and if he finds that those qualities have disappeared, he has a right to cancel the deal.
(ix) If the buyer does not pay for the commodity he has bought for three days, and the seller has no yet handed over to him the commodity, the seller can cancel the transaction. But this is in circumstances when the seller had agreed to allow him time for deferred payment, without fixing the period. And if the seller had not at all agreed on defferred payment, he can cancel the transaction at once, without any delay. And if he had allowed him more than three days' credit, then the seller can-

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not rescind the deal before the termination of three days. If the commodity is perishable, like fruits, which would perish or decay if left for one day, and the buyer without any prior condition, deos not pay till nightfall, the seller can cancel the transaction. This is called *Khiyarut ta'khir*.

(x) A person who buys an animal, can cancel the transaction withing three days. And if a person sold his commodity in exchage for an animal, he can cancel the transaction

within three days. This is called *Khirul hayawan*.

(xi) If the seller is unable to deliver possession of the thing sold by him, like, if the house sold by him runs away and disappears, he can cancel the transaction. This is called *Khiyarut ta'azzurit taslim*.

2133. * If a buyer deos not know the price of the commodity, or was unconcerned about it at the time of purchase, and buys the thing for higher than the usual price, he can cancel the transaction if the difference of the price is substantial, and if the difference is established at the time of abrogation. Ortherwise, the buyer cannot cancel the deal. Similarly, if the seller deos not know the price of the commodity, or was headless about it at the time of selling, and sells the thing at a cheaper price, he can cancel the deal if the difference is substantial and if the other conditions mentioned above obtain.

2134. * In a trasanction of " Conditional sale", for example, a house worth $2000 is sold or $1000, and it is agreed that if the seller returns the money within a stipulated period, he can cancel the transaction, the transaction is in order, provided that the buyer and the seller had genuine intention of purchase and sale.

2135. * In a transaction of "Conditional Sale", if the seller is sure that even if he did not return the money within the stipulated time, the buyer will return the property to him, the transaction is in order. However, if he deos not return the money within the stipulated time, he is not entitled to demand the return of the property from the buyer. And if the buyer dies, he (the seller) cannot demand the return of the property from his heirs.

2136. If a person mixes inferior tea with superior tea, and sells it as a superior tea, the buyer can cancel the transaction.

2137. * If the buyer finds out that the thing purchase by him is defective, like, if he purchase an animal and finds that (after purchasing it) it is blind of an ey, and this defect existed before the transaction was made, but he was not aware of it, he can cancel the ttransaction and return the animal to the seller. And if it is not possible to return it, for example, if some change has taken place in it, or it has been used in such a manner that it cannot be returned, the difference between the value of the sound property should be assessed, and the buyer should get refund in that portion of the amount paid by him to the seller. For example, he has purchased something for $4 and finds out that it is defective. Now the price of the thing in perfect, faultless state is $8 and that of deficient is $6, the difference between these two prices will be assessd at 25%. The buyer will be paid 25% of what he actually paid, and that will be one dollar.

2138. * If a seller comes to know that what he receive in exchange for his property is defective, and that defective was present in it before the transaction, but he was not aware of it, he can cancel the transaction, and can return it to its owner. And if he cannot return it due to change or disposal having taken place, he can obtain the difference between the faultless and the defective thing, according to the above mentioned rule.

2139. * If adefect takes place in the property after concluding the transaction, but before delivering it, the buyer can cancel the transaction. Similarly, if some defect is found in what is taken in exchange for the property, after concluding the transaction but before delivering it, the seller can cancel the transactio. But if both sides wish to settle by taking the difference between the prices, it is permissible, if returning of the article involved is not possible.

2140. * If a person comes to know about the defect concluding the transaction, it is necessary for him to cancel the transaction at once; and if he delays for unusually long time, he cannot cancel the transaction. Of course various circumstances must be taken into considaeration for the delay.

2141. If a person comes to know about the defect in a commodity after purchasing it, he can cancel the transaction evenm if the seller is not present. And the same order applies to all transaction involving the optionss.

2142. In the following four cases the buyer cannoty cancel the transactionbecause of defect in the property purchased by him, nor can he claim the difference between the the prices.
(i) If at the time of p[urchasing the property, he is aware of the defect in it.
(ii) If he deos not object to the defect in the property.
(iii) If at the time of concluding the contract, he says; *" Even if the property has a defect I will neither return it nor claim the difference between the prices*".
(iv) If at the time of concluding the contract , the seller says: *" I sell this property with whatever defect it may have*". But, he specifies a defect and says: *" I am selling this property with this defect"*and it transpires later that it has some other defect as well, which he did not mention, the buyer can return the property due to that defact, and if he cannot return it, he can take the difference between the prices.

2143. If a buyer knows that there is a defect in property, and after taking possession of it another defect appears in it, he cannot cancel the transaction, but he can take the difference between the prices of the defective and the faultless property. But, if he purchases a defective animal, and before the expiry of the period of *Khiyar* (i.e. option to cancel a transaction) which is three days, another defect appears in the animal, the buyer can return it, even if he may have taken delivery of it. And if only the buyer was given the option to cancel the deal within a fixed period, and another defect appears in the animal during that period, the buyer can cancel the transaction, even if he may have taken delivery of the animal.

2144. If a person owns some property which he himself has not seen, but another person has described its particular to him. and he mentioned the same particulars to the buyer and sells the property to him. Later on, he learns after selling that property was better than what he knew about it, he can cancel the transaction.

Miscellaneous Rules
2145. If a seller informs the buyer about his cost price of a commodity , he should tell him about all factors which would affect the rise or fall in the price of the commodity,

even if he may sell it at the same price (i.e. at the cost price) or at price less than that; for rxample, he should tell the buyer

whether he has purchased the property against cash payment or no credit. And if he does not give particulars of the property, and the buyer knows about them later, he can cancel the transaction.

2146. If a person gives a commodity to another person, and fixes its price and says *" Sell this commodity at this price, and the more you sell, you will be paid your commission."* If he sells the commodity for higher price, the excess of the money realised will be that of the owner , and he will be entitled only to the commission from the owner. But if the arrangement is by way of granting a reward, when the owner says: *"If you sell this commodity at a price higher than that, the excess of of proceeds will be your property*" there is no harm in it.

2147. * If a butcher sells the meat of a female animal saying that it is the meat of a male animal, he commits a sin. Hence, if he falsely specifies the meat saying: I am selling this meat of a male animal" the buyer can cancel the transaction. And in case, he does not specify it, the butcher must supply the meat of a male animal, if the buyer is not willing to accept the meat which has been given to him.

2148. If a buyer tells the draper that he wants a cloth of fast colour, and the drapper sells him a cloth whose colour fades, the buyer can cancel the transaction.

2149. Swearing in the matter of transaction is Makrooh, if it is true, and haraam, if it is false.

Laws of Partnership

2150. *If two persons make an agreement that they would trade with the goods jointly owned by them, and would divide the profit between themselves, and if they pronounce a formula declaring partnership, in Arabic or in any other language, or express their intention of becoming each other's partner by conduct, the partnership will be valid.

2151. * If some person enter into a partnership to share the wages from their labour, like, if a few barbers or laboureres agree mutuallythat they would divide between themselves whatever wages they earn, that partner-

ship is not in order. But if they enter into a mutual compromise that, say, half of what one earns will be given to the other, for a fixed period, in exchange of half of what the other earns, this transaction will be valid, and thus each will be a partner in the wages of the other.

2152. If two persons enter into a partnership, on the terms that each of them would purchase the commodity on his own responsiblity, and each would be responsible for the payment of its price, but would share the profit which they earn from that

commodity, that partnership is not valid. However, if each of them makes the other his agent, authorising that whatever one purchases on credit, the other will be a partner in it, which means sidered partners in that commodity.

2153. * The persons who become partners under the rules of partnership, must be adult and sane, and should have intention and free volition for becoming partners. They should also be able to exercise discretion over their properties. Hence, if a feebel-minded person who spends his wealth impudently, enters into partnership, it is not in order, because such a person has no right of disposal over his property.

2154. * Ifa condition is laid down in an agreement of partnership, that the partner who manages, or deos more work than the other partner, or more important work than the other, will get the lager share of the profit, it is necessary that he should be given his share as agreed upon. Similarly if it is agreed that the person who deos not manage, or does not do more work, or does not do more important work, will get share of the profit, that condition is also valid and it must be fulfilled.

2155. * If it is agreed that the entire profit will be appropriated by one person, or the entire loss will be borne by one of them, that sort of partnership is matter of Ishkal.

2156. If it is not agreed that one of the partners will receive more profit, and if the investment of each of them is equal, they must share profit and loss equally. And if their investment is not equal, they should divide the profit

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and loss in proportion to their capital. For example, if two persons become partners, and the capital of one of them is double the capital of the other, his share in the profit and loss will also be double of the other, irrespective of whether both of them do equal work, or one of them does less work, or does not work at all.

2157. * If it is laid down in the agreement of partnership, that both the partners will buy and sell together, or each of them will conclude transaction individually, or only one of them will be conclude the transaction, they should act as agreed upon.

2159. * The partner who has been given the right of discreation over the capital, should act according to the agreement of partnership. For example, if it is agreed that he will purchase on credit, or will sell against cash payment, or will purchase the property from a particular place, he should act according to the agreement. However, if no such agreement is made with him, he should conclude transactions in the usual manner, and carry on in such a way that no loss is suffered in the partnership. He should not carry any property belonging to the partnership , with him while he is travelling, if that is unusual.

2160. * If a partner who transacts business with the capital of the partnership, sells and purchases things contrary to the agreement made with him, or concludes tramsaction in a manner which is not normal, because of the absence of the any agreement, the transaction man=de by him in both the cases will be correct and valid; but if such a transaction results in a loss, or a part of wealth is squandered, then the partner who has acted again the agreement, or the usual norm, will be resonsible for

the loss.

2161. If a partner who trades with the capital of the partnership, does not go beyond the bounds of his authority, nor is he negligent in looking after the caspital, yet unexpectedly the entire capital or a part of it perishes, he is not responsble.

2162. * If a partner who trades with the capital of the partnership, declares that the capital has perished, and if other partners trust him, they should accept his words, and iif they do not trust him, they can complain againt him before the Mujtahid, who will decide the case according to Islamic laws.

2163. If all the partners withdraw the permission, given by them to one another, for the right of descreation over their respective shares held in partnership, none of them will be allowedthe right of discretion over them. And if one of them withdrawsthe permission accorded by him, the other partners do not have the right of decretion; but one who has withdraw his permission can excise his right of decrationover the property of the partnership.

2164. * If one of the partners demand that the capital invested in the partnership should be divided, others should accept his demend even if the period fixed for the partnership may not have expired yet, except when the division of the capital entails considerable loss to the partners.

2165. If one of the partners dies, or becomes insane, or unconscious, other partners cannot continue to exercise right of descreation over investment held in the partnership. And the same rule applies when one of them becomes feeble-minded that is, spends his property without any consideration.

2166. * If a partner purchases a thing on credit for himself, its profit and loss belong to him. However, if he purchase it for partnership, and if the agreement allows credit dealing, its profit and loss belongs to both of them.

2167. * If the partners conclude a transaction with a joint capital investment, and it transapires later that the partnership was invalid, if the validity of the transaction was not dependent on mutual consent, meaning that, if they had known that the partnership was not valid, they would have still been agreeable to having the right of descretion over the property or stock or each of other, the transaction will be considered valid, and whatever is gained or lost from the transaction will be shared by them. But if the partners would not have been disposed agree to exercise discretion over each others' stock or

property had they known that the partnership was not valid, yet they approve the particular transaction, it will be valid - and if they do not, it will be invalid. And in either case, if any partner has worked for the partnership without the previouse intention to work gratis, he can collect the wages for his services at the usual rate, cosidering the percentage of other partners. But if the usual wages is more than his

share of divident, after having agreed to the validity of the transaction, he should take the dividend only.

Orders Regarding Compromise

2168. * Compromise means that a person agrees to give to another person hos won property or a part of the profit gained from it, or waives or forgoes a debt, or some right, and that other person also gives him in return, some property or profit from it, or waives his debt or right in consideration of it, and even if a person gives another person his property or profit from it, or waives his debt or right without claiming nay consideration, the compromise will be in order.

2169. * It is necessary that the person who gives his property to another person by way of compromise , should be adult and sane, and should have the intention of making compromise, and none should have compelled him to make the compromise, and he should not also be feeble-minded from whom jis own wealth is made inaccessible, or a bankrupt who has no right to dispose of his property.

2170. It is not necessary that a formula of compromise be recited in Arabic. Rather, it is sufficient to convey the intention by uttering any words.

2171. * If a person gives his sheep to a shephered so that, for example, he may look after them for one year, and use their milk and gives him a quantity of ghee, and in this manner compromise with the shephered for his labour, and quantity of ghee against the milk of the sheep, the transaction is valid. Rather, if he gives the sheep to the shephered for one year on lease, so that he may utilise their milk and give him a quantity of ghee, not necessarily churned from the milk of the leased sheep, this transaction is also in order.

2172. * If a person wants to amke a compromise with another person in respect of the debt which he owes, or in respect of his right, the compromise will be valid only if the opposite person agrees to it. But, if he wants to forgo the debt or right owed to him, the accptance by the opposite person is not necessary.

2173. * If a debtor knows the amount he owes, but the creditor does not know and makes compromise with the debtor for an amount less than what is owed tohim, like, if the creditor has to receive $50 but he unknowingly makes a compromise for $10, the balance of $40 is not halal for the debtor, except that he himself tells the creditor what he actually owes him, and seeks his agreement. Alternatively, the debtor should be sure that even still sttled for that lesser amount.

2174. * If two persons owe each other some property, ready or on credit, and they know that one of them is more in quantity or value then the other, they cannot sell their properties in exchange of each other because it will be a transaction involving usury, and similarly, it is haraam to conclude a compromise between them. In fact, if it is not known that one is more in quantity or value than the other, but there is a strong probability, as an obligatory precaution, no compromise should be made.

2175. * If two persons are the creditors of one or two persons and they, as creditors,

wish to settle their debts between themselves, if as previously mentioned, no aspect of interest is involved in the transaction, there will be no objection. For example, if both of them are are owed 10 kilos of wheat, one of superior quality and the other inferior, and the debt has become due for payment, the compromise will be in order between the creditors.

2176. If a person lent something to another for a stipulated period, and now he, as a creditor, wishes to compromise on something lesser in value, with an intention to collect what he gets and forgo the balance, there is no harm in it. This rule applies when the debt consists of gold or silver or another commodity which is sold by weight or by measure. As for other things, however, it is permissible for the creditor to compromise with the debtor, or

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with someone else for a lower amount, or to sell that debt, as will be explained in note no. 2297

2177. If two persons make a compromise in respect of something, thety can cancel the compromise with mutual consent. Similarly, if while concluding the agreement one or both of them is given the option to cancel the compromise, the person who possess that option can cancel the compromise.

2178. * As long as the buyer and the seller do not leave the place where a transaction was conclude, they can cancel the transaction. Also, if a buyer purchases an animal, he has the right to cancel the transaction withing three days. And similarly, if the buyer does not pay within three daysfor the commodity purchased by him, and does not take delivering of the commodity, the seller can cancel the transaction as stated in rule no. 2132. However, one who makes a compromise in respect of some property, does not posses the right to cancel the compromise makes three cases. However, if the other party in the compromise makes unusually delay in delivering the property over which the compromise was reached, or if it has been stipulated that the property will be delivered immediately, and the opposite party does not act according to this condition, the compromise can be cancelled. And similarly, compromise can also be cancelled in other cases which have been mentioned in the connection with rules relating to purchase and sale, except in the case when one of the two parties in compromise has been defrauded, for which the law is not ascertained.

2179. A compromise can be cancelled if the thing received by means of compromise is defective. However, it is a matter of Ishakal, if the person concerned disires to take the difference of the price between the defective thing and the one without defect.

2180. If a person makes a compromise with another person with his property amd imposes the condition that after his death the other operson will, for example, waqf that property, and that person also accepts this condition, he should carry it out.

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Rules Regarding Lease/ Rent

2181. * The person who gives something on lease, as the person who takes it on lease,

should be adult and sane, and should be acting on their free will. It is also necessary that they should have the right of discretion over the property. Hence, a feebel-minded person who does not have the right of disposal or descretion over his property, his leasing out anything or taking on lease is not valid. The same applies to a bankrupt person, in the wealth over which he has no right of descretion. Of course, such a person can give himself for hire.

2182. A person can become the agent of another person and give give his property on lease, or take some property on lease, on his behalf.

2183. * If the guardian of a minor gives his property on lease, or makes him the lessee of another person, there is no harm in it. And if some period asfter the child's Bulugh is also included in the period of lease, the child can cancel that included part of the lease after the child's Bulugh was in his interest. But if the inclusion was basedon some religious grounds, and excluding it would be against Shariah, and if the leasing was done with the permission of the Mujtahid, then the child cannot cancel the lease after becoming baligh.

2184. A minor child who has no guardian, cannot be hired without the permission of a Mujtahid. And if a person does not have access to a Mujtahid, he can hire the child after obtaining permission from a Mo'min who is 'Adil.

2185. * It is necessary for the lessor and lessee to recite the formula in Arabic. In fact, if the owner says to a person: *"I have leased out my property to you"*, and the the othet replies:*" I accept it"*, the lease contract is in order. Also, if they do not utter any words, and the owner hands over his property to the lessee with the object of leasing it out, and lessee also takes it with the intention of taking it on lease, the lease contract by such conduct is in order.

2186. If a person wants to be hired for doing some work without reciting the formula, the hire contract will be in order, as soon as he starts doing that work.

2187. * If a dumb person makes it known with signs that he has taken or given a property on lease, the lease contract is in order.

2188. * If a person takes a house, shop or room on lease, and the owner of the property imposed the condition that only he (the lessee) can utilise it, the lessee cannot sublet it to any other person for his use, except that the new lease is such that its advantage devolves on the lessee himself, like, if a woman takes a house or a room on lease, and later marries, and gives the room or house on lease for her own residence to her her husband. And if the owner of the property does not impose any shuch condition, the lessee can lease it out to another person, but, as a precaution, he should seek the permission of the owner before giving it on lease. And if he wishes to lease it out for a higher amount in cash or kind, he can do so, if he has carried out some work on it, like, whitewashing or renovation, or if he has suffered some expenses in looking after the property.

2189. * If a person who is hired on wages, lays down a condition that he will work for

the higher only, he (the higher) cannot lease out his service to another person, except in the manner mentioned in the foregoing rule. And if the hired person does not lay down any such condition, the higher can lease out his services to another, but he cannot charge more than the agreed wage for the hired person Similarly, if he himself accepts employment and then hires someone to do the task, he cannot pay him less than what he will receive himself, unless he joins that hired person in completing some of his work.

2190. * If a person takes or hires something other than a house, a shop, a room a ship, and a hired person say, if he says hires a land on lease, and its owner does not lay down the condition that only he himself can utilise it, and if the lessee leaseit out to another person on a hgher rent, it will be a matter of Ishkal.

2191. If a person takes for example, a house or shop on lease for one year, on a rent of one hundered rupees, and uses half portion of it himself, he can lease out the remaining half for one hundered rupees. However, if he wishes to lease out the half portion on a rent higher than that on which he has taken the house, or shop on lease, like, if he wishes to lease it out for hundered and twenty rupees, he can do it only if he has carried out repairs etc. in it.

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Conditions Regarding the Property Given on Lease

2192. * The property which is given on lease , should fulfil certain conditions:
(i) It should be specific. Hence, if a person says to another *"I have given you one of my houses on lease"*, it is not in order.
(ii) The person taking the property on lease should see it, or the lessor should give its particulars in a manner which gives full information about it.
(iii) It should be possible to deliver it, Hence, leasing out a horse which has run away, and the higher can not possess it, it will be void. However, if the hirer can manage to get it, the lease will be valid.
(iv) Utilisation of the property should not be waay of its destruction or consumption. Hence, it is not correct to give bread, fruits and other edibles on lease for the purpose of eating.
(v) It should be possible to utilise the property for the purpose for the which it is given on lease. Hence, it is not correct to give a piece of land on lease for farming, when it does not get sufficient rain water, and is also not irrigated by canal water.
(vi) The thing which a person gives on lease, it will should be his own property, and if and if he gives the property of another person on lease, it will be correct only if its owner agrees to it.

2193. It is permissible to give a tree on lease for utilising its fruit, although fruit may not have appeared in it yet . The same rule applies if an animal is given on lease for its milk.

2194. * A woman can be hired for hired milk, and it is not necessary for her to obtain her husban 's permission. However, if her husband 's right suffers owing the her giving milk (to the child of another person), she cannot take up the job without his permission.

Conditions for the Utilisation of the Property Given on Lease
2195. * The utilisation of the property given on lease carries four conditions:

(i) That it should be halal. Hence, leasing out a shop for the sale or storge of Alcoholic drinks, or providing transportationby leasing for it, is void.

(ii) That doing the act or giving that service free of charge should not be obligattory in the eyes of Shariah. Therefore, as a precaution, it is not permissible to receive wages for teaching the rule of halall and haraam, or as a precaution, money should be paid in lieu of any services which is deemd futile.
(iii) If the thing which is being leased out can be put to several uses, then the use permissible to the lessee should be specified. For example, if an animal, which can be used for riding or for carrying a laod is given on hire, it should be specified at the time of concluding the lease contract, whether the lessee may use it for riding or for carrying a load , or may use it for all other purposes.
(iv) The nature and extend of utilisation should be specified. In case of hiring a house or a shop, it can be done by fixing the period, and in the case of labour, like that of a tailor, it can be specified that he will sew and stitch a particular dress in a particular fashion.

2196. If the time of commencement of a lease is not fixed, it will be reckoned to have commencement after the recitation of the formula of lease.

2197. If, for example, a house is leased out for one year, amd it is stipulated that the period of lease will commence one month after the recitation of the formula, the lease contract is in order, even if the house had been leased out to anther person at the time of reciting the formula.

2198. If the period of lease is not specified , and the lesor says to the lessee: *" At any time you stay in the house you will have to pay rent at the rate of $10 per month"*, the lease contract is not in oerder.

2199. If the owner of a house says to the lessee: *" I hereby lease out out this house to you for E10 per month"* or says: *" I hereby lease out this house to you for one month on a rent of $10, and as long as you stay in it thereafter the rent will be $10 per month"*, if the time of the commencement of the period of lease was specified or it was known the lease for the first month will be proper.

2200. If travellers and pilgrims stay in a house not knowing how long they

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will stay there, and if they settle with the landlord that they will, for example,, pay $1 per night as rent , and the landlord also agrees to it, there is no harm in using that house. However, as the period of lease has not been specified, the lease will not be proper except for the first night, and afer the first night the landlord can eject them as and when he so wishes.

Miscellaneous Rule Relating to Lease/Rent

2201. The property which the lessor gives on lease should be identified. Hence if it is one of the things whose transaction is made by weight (e.g. wheat), its weight should be specified. And if it is one of those things whose transaction is made by counting (e.g. currency coins), the amount should be specified. And if it is like a horse or sheep, the lessor should have a sight ot it, or the lesser should have a sight of it, or the lesser should inform him of its partcular.

2202. * If land is given on lease farming, and the produce of that very land which does not presently exist, is streated as its rent, the lease contract will not be valid. And the same applies if he assumes a general responsibility to pay the rent on the condition that it will be paid from the harvest. But if the source from which rent will be paid exists, there is no objection.

2203. * If a person has leased out something, he cannot claim its until he has delivered it. And if a person is hired to perform an act, he cannot claim wages until he ahs performed that act, exept in the cases where advance payment of wages is an accepted norm, like *Niyabat* for Hajj.

2204. If a lessor delivers the leased property, the lessee should pay the rent, even if he may not take the deliverry, or may take its delivery but may not utilise it till the end of the period of lease.

2205. If a person agrees to perform a task on a particular day against wages, and appears on that day to perform the task, the person who has hired him should pay him the wages, even if he may not assign that task to him. For example, if a tailor is hired to sew a dress on a particular day, and he appears to dothe work, the hirer should pay him the wages even if he may not provide him with the cloth to sew, irrespective of whether the tailor remains without work on that day or alternatively does his own somebody else's work.

2206. * If it transspires after the expiry of the period of lease, that the lease contract was void, the lessee should give the usual rent of that thing to the owner of the property. For example, if a person takes a house on lease for one year on a rent of $100, and learns later that the lease contract was void., its normal current rent of the house is $50, he should pay $50. And if its normal current is $200, and the person who who leased it out was its owner, or agent, and was aware of the current rate of rental, it is not necessary for the lessee to give him more than $100. But if a person other than these gave it on lease, the lessee should pay $200. And the same order applies, if it is known during the period of lease, that the lease contract is void in relation to the outstanding rent for the past period.

2207. * If a thing taken by a person on lease is lost, and if he has not been negligent in looking after it nor extravagant in its use, he is not responsible for the loss. Also, if, for example, a cloth given to a tailor is demaged or destroyed, when the tailor has not been extravagant, and has also not shown negligence in taking care of it, he need not to make any replacement.

2208. * If an artisan loses the thing taken by him, he is responsible for it.

2209. * If a butcher cuts off the head of an animal, and makes it haraam, he must pay its price to its owner, regardless of whether he charged for slaughtering the animal or did it gratis.

2210. If a person takes an naimal on hire, and speccifies as to how mush he will load on it, and if he puts a heaver load on it, and as a result, the animal dies or becomes defective, he is responsible for it. And even if the quantity of the load is not specified, and he puts an usually heavier load on it with the result that the animal dies or becomes defective, the person concerned is responsible. And in both the cases, he must pay extra rent than is usual.

2211. * If a person gives an animal on hire so that fragile googs may be loaded on it, and the animal slips or trots and breaks the things, the owner of the animal is not responsible for it. However, if the ownerbeats the animal severely, or does something like it, as a result of which the animal falls down on the ground, and breaks the goods he (the owner of the animal is responsible.

2212. * If a person circumcises a child, and as a consequence of it the child dies, or is injured, the person who circumcises is responsible if he has been careless or made a mistake, like having cut the flesh more than the usual However, if he was not careless, or did not make any mistake, and the child dies due to circumcision, or sustain an injury, he will not be responsible, provided that, he had not been consulted earlier about the possible injury, nor was he aware that the child would be injury.

2213. *If a doctor gives medicine to a patient with his own hands, or prescribes a medicine for him, and if the patient sustains harm or dies because of taking that medicine, the doctor is responsible, even if he had not been careless in treating the patient.

2214. * If a doctor tells a patient: *" If you sustain harm I am not responsible"* and then exercise due precution and care in the treatment, but the patient sustains harm or dies, the doctor is not responsible.

2215. The lessee and lessor can cancel the lease contract with mutual consent. Also if a condition was laid down in the lease contract that one or both of them would have the option to cancel the contract, they can cancel the contract as agreed.

2216. *If the lessor or the lessee realises that he has been cheated, if he did not notice at the time of maiking the lease contract. However, if a condition is laid down in the contract of lease, that even if the parties are cheated, they will not be entitled to cancel the contract, they cannot cancel it.

2217. If a person gives something on lease, and before he delivers it to the other party, it is usurped, the lessee can cancel the lease contract and take back whatever he has given to the lessor, or he may not cancel the lease contract, and take from the usurper rent at the usual rate, for period this thing remained in his possession. Therefore, if a

person takes an animal on lease for one month for $10, and someone usurps if for ten days, and the usual rent for ten days is $15, the lessee can take $15 from the usurper.

2218. * If a lessee hires something and someone prevents him from taking its delivery , or usurps it from him, after he has taken the possession, or prevents him from using it, he cannot cancel the lease. He is entitled only to take rent of that thing from the usurper at the usual time.

2219. If the lessor sells the property to the lessee before the expiry of the period of the lease, the lease contract does not get cancelled, and the lessee should give the rent of the property to the lessor. The same rule will apply if the lessor sells the leased property to someone else.

2220. * If before the commencement of the period of lease, the property gets so impaired that it cannot be utilised in the manner agreed upon, the lease contract becomes void, and the money paid by the lessee will revert back to him. And if it is possible to utilise the property partly, the lessee can cancel the lease contract.

2221. * If a person takes something on lease , and during the period of lease it becomes so impaired that it is not fit for the required use, the remaining lease contract will be void, and the lessee can cancel the past period also. And for that period, he may pay usual rent.

2222. * If a person takes leases out a house which has, for example, two rooms. and one of those rooms is ruined and he gets it repaired, but it deos not match the standard of the previouse room, the rule mentioned in 2221, will apply in this case also. But if it fit repaired by the hirer at once, and the lessee does not interrupted, the the lease does not become void, and the lessee cannot cancel the lease. However, if the repair takes too long, and its use is interrupted, then the lease will be invalid for that much period, and in this case, the lessee can cancel the whole lease, and in exchange of whatever use, he may have made, he should pay a usual rent.

2223. * If the lessor or the lessee dies, the lease contract does not become void. But if the house is not the property of the lessor - for example, another person made a will that as long as he (the lessor) is alive, the income derived from the house will be his property, and if he gives that house on lease, and dies before expiry of tyhe lease period, the lease contract becomes void.

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from the time of his death. It can become valid again if the owner of the house endorses the contract, and the rrent for the remaining period of lease, after the death of the lessor, will accure to the present owner.

2224. * If an employer appoints a contract to recruit labourers for him, and if the contractor pays the labourers less than what he receives for them from the employer, the excess he keeps is haraam for him, and he should return it to the employer, the excese he keeps is haraam for him, and he should return it to the employer. And if the

contractor is given a full contract by the employer, to complate a building, and is authorised to either construct it himself or give a sub-contract to another party, if he joins with the other party in doing some work, and then entrusting him to do so the remaining work against lower payment than what he has collected from the employer, the surplus with him will be halal for him.

2225. * If a person who dyes the clotes, agrees to dye a cloth with indigo, he has no right to claim any charges if he dyes it with something else.

Rules Regarding Ju'ala (Payment of Reward)

2226. * Ju'ala means that a person promises that if a particular work is completed for him, he will give a specified amopunt for it. For example, he declares that if anyone recovers his lost property, he will give him $10. One who makes such a declaration is called Ja'il, and the person who carries out that work is called 'Amil. One of the differences between Ju'ala and Ijara (hire) is tha, in the case of "hire" the hired person is bound to do the job after the agreement, and the hirer becomes indepted to the hired person for his wages, whereas in the case of Ju'ala, the person who agrees to do the job is at liberty to abndon it if he so wishes; and until he completes the job assingned, the person who declared the reward or payment does not become indebted to him.

2227. * A person who declares the payment or reward should be adult and sane, and should have made it with his free will and intention, and should have the right of disposal and descretion over his property. Therefore, the declaration by feebleminded person who squanders his property indiscreetly is not in order. Similarly, a bankrupt cannot declare any reward or payment from that part of wealth over which he has not right of discretion.

2228. * The task for which the declaration was made by the employer should not be haraam, futile, or one of those obliagtory acts which should necessarily be perform free according to Shariah. Hence, if a persson. Hence, if a person declares that he will give $10 to a person who drinks alcohl, or traverses a dark passage at nightwithout any sensible purpose, or offers his obligatory prayers, the employerwill not be in order.

2229. * It is necessary for the employer for Ju'ala to specify the reward he would give with all its particulars. If the employee, in tghis case, is certain that he would not be taken for a stupid or foolish person if he undertook the assignment, it is sufficient. For example,, if the employer in Ju'ala tell a person that if he sells a particular stock or goodsfor more than , say, ten dollars, whatever is the excess will be his. This form of Ju'ala is valid. Similarly, if he says that who soever finds his horse, that person will own half of it. or that person will be awarded ten kilos of wheat, Ju'ala will be in order.

2230. * If a person does not at all mention the amount of reward which he would give for his work - for example, if he says: *" I shall give money to the person who finds out my son"* , and does not specify the amount of money, and if some one performs the task, he should pay him according to what is cusmarily paid for such tasks.

2231. * If the employee in Ju'ala performs the task before the agreement is made, or performs it after the agreement, but with the intention that he will not take any money, he is not entitled to demand wages.

2232. The person who makes a Ju'ala agreement can cancel it before the person employed starts to work.

2233. If the person wishes to cancel the Ju'ala agreement after the employee has started work, it is a matter of Ishkal.

2234. * A person appointed to work in Ju'ala can leave the task incomplete. However, of he failure to complete the task causes harm to the person who appointed him, he must complete it. For exmaple, if as person says: *" If someone operates upon my eye I shall give him so much of money"* and a surgeon commences the operatioon. If by not completing the operation, the aye will

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be defective, he must complete it. And if he leaves it half way, he has no claim, whatsoever, over the person who employed him.

Rules Regarding Muzari'ah (Temporary Sharecropping Cntract)

2236. * One of the many types of Muzari'ah means that the owner of a land agrees to hand over his land to a farmer, so that he would cultivate it, and gives a share of the crop to the landowner.

2237. * Muzari'ah has certain conditions:
(i) That the owner of land confirms to the farmer that he has given him the land for farming, and the farmer also assets that he has accepted it. Alternatively, without their uttering anything, the owner of the land keeps the land at the farmer's disposal with the intention that he would do farming in it, and the farmer accepts.
(ii) Both the owner of the land and the farmer should be adult and sane, and should conclude the agreement of Muzari'ah with their intention and free will. They should also not be feeble minded persons, who squander their wealth on useless things . Similarly, the owner of the land should not be a bankrupt person. But if the agreement in which he enters with the farmer does not in any way involve any property over which the bankrupt person has no right of discretion, then there will be no objection.
(iii) As a percaution, the owner and the farmer should each share the entire produce of the land. But this condition does not appear to be necessary. Hence, if they, for example, agree to the condition that the harvest in the first half or the end, will belong to one of them, the agreement of Muzar'ah will be valid.
(iv) The share of each of them should be fixed, like, 1/2 or 1/3 etc. of the crop. If no share is fixed, and the owner of the land simply says: *" Cultivate this land and give me whatever you like"*, it will not be in order. Similarly, if instead of fixing a share, a fixed quantity of the crop is offered for the farmer or the landowner, the Muzar'ah will not be valid.
(v) The period for which the land is to remain in possession of the farmer should be specified, and it is necessary that the period should be long enoygh to make a harvest possible from the land. And if this period is timemade to commence from a specified day, and to end with the harvest time, it will be sufficient.

(vi) The land should be arable, anf if it is berren but can be made fit for farming by some improvements being done on it, the contract of muzari'ah is in order.
(vii) If the farmer is supposed to sow seeds for a particular crop, then that crop must be specified. For example,, it must be specified whether it will be sown. However, if they do not have any particular crop in view, or the crop which both of them have in view is known, it is not necessary that crop which both of them have in view is known, it is not necessary that they should define it.
(viii) The owner should specify the land, if he has several tracts of land which differ from one another in their requirements. But if they do not differ in their requirements, it is not necessary to specify. Foe example, if he tells the farmer to till and cultivate any of those lands, without specifying any one, muzari'ah will be valid.
(ix) The expenses which each of them will incur should be specified. However, if the expenditure which each of them should incure is known, it is not necesary to declare it.

2238. * If the owner sttles with the farmer that a certain quantity of the crop will belong to one of them, and the remaining quantity will be divided between them, that muzar'ah is void, even if they know that something will remain after deductiing that quantity. Of course, if they agree between themselves that some of the seeds sown, or the tax payable to the government, will be deducted from the harvest, and the rest will be divided between them, this muzari'ah is in order.

2239. * If the agreed period of muzari'ah (tenancy) comes to end, and the usual crop is not obtained, there will be no objection if the owner of the land agrees that the crop may remain on his land on paymenet rent, or without it, and if the farmer is also agreeable to it, provided that, both of them had agreed at the time of fixing that muzari'ah will end regardless of any crop becoming available. But if the owner does not agree to such an agreement, he can ask the farmer to remove the crop from there. And if the farmer sustaina a loss by removing the crop, it will not be necessary for the owner to compensate the farmer for it. And the farmer who is willing to pay something to the owner allow the crop to stand on his land, cannot compel him to agree.

2240. * If farming becomes impossible on the land due to some eventuality, for example, if water supply id cut off from the land - the contract of muzar'ah is annulled. But if the farmer does not cultivate the land without any justifiable excuse, while the land remains in his occupation, and the owner has no discretion over it, he should pay the rent for that period to the owner at the usual rate.

2241. * The owner of land and the farmer cannot cancel the contract of muzari'ah without the consent of each other, unless they had agreed in the contract tp grant that option to one or both of them. In that case, they will cancel the contract according to the condition laid in the agreement. Similarly, if any one of them acts contrary to the agreed conditions of the contracts, the other party in the contract will have the right to cancel the transaction.

2242. *If the lnadlord or the farmer dies after concluding the contract of muzar'ah, the contract is not terminated, and if they had stipulated that the farmer himselves would do the farming, the contract of muzar'ah will become cancelled. But if the farmer hadcompleted his task, and fulfilled his assignment, then the muzari'ah will remain valid, and the heirs will be given his share together with all his rights or accruals which were due to him. However, yje heirs cannot compelthe landlord to allow the crop to stand on his land.

2243. * If it becomes known after cultivation, that the contract of muzari'ah had been void, and if the seeds have been the property of the landowner, the produce will belong to him and he will pay the farmer his wages and the expenses incurred by him, and the rent for the cow and other animals belonging to the farmer, which may have worked on the farmer. And in this seeds were the property of the farmer, the crop will belong to him, and he should pay the landowner the rent of the land and the expenses incurred by him, and rent for the cow and other animals belonging to the landowner which may worked on the farm. And in both the cases, it will be obligatory to pay the agreed amount only, even if the other party is aware that the usual entitlement is more than that.

2244. * If the seeds belong to the farmer, and if it becomes known after cultivation that the contract of muzari'ah had been void, there will be no objection of the landowner and the farmer agree that the crop may remain on the land against payment or otherwise. Some Fuqaha have said that if landowner is not agreeable, he can ask the farmer to remove the crop from the land, even before it is ready, and that even if the farmer is willing to pay something to the landowner, he cannot compel him to allow the crop to remain on his land. But this is not free from the Ishkal. And in any case, the landowner cannot compel the farmer to pay rent and let the crop remain on his land, or even without any rent.

2245. * If roots of the crop remain in the land after harvesting the crop, and if after the expiry of the contract of muzari'ah they grow again in the land next year, if the landowner had not made an agreement with the farmer regarding his share in the remaining roots, the crop of the second year will belong to the landowner.

Rules Regarding Musaqat and Mugharis

2246. * Musaqat means that a person agrees with someone that for a specified time, the fruit-bearing trees owned by him, or those which are under his discretion, will be given to that person so that he cares, tends and waters them. In return, that person will have the right to take an agreed quantity of fruits. This transaction is called Musaqat.

2247. A transaction of Musaqat in respect of fruitless tree will be in order if it has another product of substaintial monetary value, like, leaves of flowers which is sold or good gain - like, the leaves of Henna, which is in common use.

2248. While concluding a transaction of Musaqat, it is not necessary that the prescribed formula be pronounced. In fact, if the owner of the tree transfers it with the intention of Musaqat, and he who is to do the work begins doing the work with the

same intention, the transaction is in order.

2249. * The owner of the trees, and the person who undertakes to tend care for them, should both be adult and sane, and should not have been

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coerced by anyone. Moreover, they should not be feeble-mindedpersons (who have no discretion over the property), so that the property is not unnecessarily ruined. Similaly, the owner must not be a bankrupt person. But if the person who tends and waters is bankrupt. he can be engaged to do the work, provided that, in so doing, he does not use the property he is not allowed to admister or use.

2250. * The period of Musaqat should be known, and it must extend over a span of time when the harvest becomes ready. And if the beginning is specified, and its end is fixed to be the time when fruits for that year becomes available, the contract is in order.

2251. * It is necessary that the share of each one of them is fixed as 1/2 or 1/3 etc. of the crop, and if they stipulate, for example, that one ton of the fruits will belong to the owner of the trees and the remaining quantity will go to the person who looks after the trees, the contract is void.

2252. *It is not necessary that the contract for Musaqat be concluded before the appearance of the crop. In fact, a contract made after the appearance of the crop is validprovided that, some work like increasing the crop, protecting the trees, is still required. But if no such work remains to be done, the contract for merely watering the trees, plunking the fruits, and looking after them, cannot be valid.

2253. * A contact of Musaqat for creeping plants, like melon and cucumber, is also valid.

2254. * If a trees benefits from rainwater or the moisture of earth and does not stand in need or irrigation , but needs other work as described in rule 2252, the contract of Musaqat will be in order.

2255. Two persons who have entered a contract of Musaqat can cancel it, with mutual cansent. Moreover, if they lay down in the contract of Musaqat, a condition that both or one of them wikll be entitled to cancel the contract, there will be no harm in cancelling the contract as agreed to by them. And if they lay down other condition in the agreement, which are not followed, the person who has to benefit from the condition can cancel the contract.

2256. * If the owner dies, the contract of Musaqat is not terminated, and his heirs take his place.

2257. * If a person to whom the upkeep of the trees was entrusted dies, and if it was not agreed that he would tend and care for them himself, his heirstake his palce. And

if they do not do the job themselves, and also do not hire a person for the owrk, the Mujtahid will hire a person and pay for the estate of the dead person, and divide the crop between the heirs of the deceased and the owner of the trees. And if they had agreed that the man would tend and care for the trees himself, the conttact will be cancelled upon his death.

2258. * If it is agreed that the entired crop will belong to the owner, the contract of Musaqat is void, but the fruit will remain the property of the owner, and the worker cannot claim any wages, except when the contract of Musaqat is invalid because of some other reason. In that case, the owner will pay wages at the usual rate to the person who has rered the trees by watering them and oding other jobs. But if the usual amount of wages is more than the stipulated amount, and the opposite party was aware of it, it is not necessary for him to pay the excess.

2259. * If the person hands over a piece of land to another person to plant trees in it, and it is agreed that whatever is grown, will be the property of both of them, the contract is called Mugharisa, and is valid, though it should be avoided, as a precaution. However, a slight change in the method of achieving the same purpose will make the contract valid, without any objection. For example, if both the sides entire into this sort of agreement for settling, and compromising their debts, or they become partners in the newly growning trees, and then the worker offers his services to the owner for tending and watering them for a specified period, against the wages equal to half the value of land.

Persons Who Have No Right of Disposal or Discretion Over Their Own Property

2260. * A child who has no reached the age of puberty, (bulugh), has no right of discretion over the property he holds or owns, even if he is able to discern and is mature, and the permission of his/ her guardian does not

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apply in this case. However, in those cases where a Na-baligh is allowed to make a trasanction, like when buying or selling things of small worth as mentioned in rule 2090, or his testament for his relatives and kinsmen, as will be explained in rule 2706, the right can be exercised. A girl becomes baligh upon completion of her nine lunar years, and a boy is baligh when stiff pubic hair grow, or when he discharges semen, or upon competion of fifteen lunar years.

2261. * Growing of stiff hair on the face and above the lips may be considered as signs of bulugh, but their growth on chest amd under the armpits and the voice becoming harsh etc. are not the signs of one's reaching the age of puberty, except that may become sure of having reached the age of puberty due to these changes.

2262. * An insane person has no right to disposal over his property. Similarly, a bankrupt (i.e. a person who has been prohibeted by the Mujtahid to dispose of or have discretion on his property because of the demands of his creditors) cannot dispose his propertywithout the permission of the creditors. And a feeble-minded person (Safih) who squanders his property for useless purposes, has no right of disposal of discretion over his property.

2263. * If a person is sane at one time and insane at another, the right of discretion exercised by him during his lunacy will not be considered valid.

2264. * A dying man in his terminal illness can spend his own wealth on himself, on the members of of his family, his guests and on other things as much as he likes, provided that, it is not considered to be extravagance on his part. Also, he can sell his property at its proper value, or hire it. But if he gives away his property as gift, or sells it at a lower price than usual, it will be valid if the property gifted or sold cheap is equal to or less than 1/3 of his estate. And if it is more, it will be valid only if the heirs allow, and if they do not, then whatever he spent in excess of 1/3 of his estate will be considered void.

Rules Regarding Agency (Wakalat)

Wakalat means that a person delegates somebody a task (like concluding a transaction), which he himself had a right to do, so that the other person may perform it on his behalf. For example, one may appoint another person to act as one's agent for the sale of a house, or for a marriage contract. Since a feeble-minded person does not have right od discretion over his property, he cannot appoint agent (Wakil) to sell it.

2265. * in *Wakalat*, it is not necessary to recite a formula. If a person conveys to another person, by conduct, that he has made him his agent and the other person also conducts himself in a way to convey that he has accepted that position, e.g. if he places his property at Wakil's disposal so that he may sell it on his behalf, and the Wakil takes that property for that purpose, the agency is in order.

2266. * If a person appoints a person in another city as his agent, and gives him power of attorney, and he accepts it, the agency is in order, even if the power of attorney reaches the agent after some time.

2267. * The *Muwakkil* (pricipal) , that is, the person who appoints another person as his Wakil (agent), as the Wakil should be sane, acting on his own volition and authority. And the principal should be abligh, except in case where a discerning child can act.

2268. A person cannot become a Wakil for an act which he cannot perform or which is haraam for him to do. For example, a person who is wearing *Ehram* for Hajj cannot recite the Nikah as an agent for another person.

2269. * If a person appoints another person as his agent to perform all his tasks , the agency is in order, but if he appoints him as his agent for performing a task without specifying it, the agency will be void. But if the principal gives an optional task agent, like, if he appoints him as a Wakil to either sell his house or give it on rent, the *Wakil* will be valid.

2270. If a person removes his agent from office, he (the agent) cannot perform the taskentrusted to him after the news of his dismissal has reached

him. However, if he has already performed the task before the news of his dismissal reaches him, it will be in order.

2271. * An agent can relinquish the agency even if the principal is absent.

2272. An agent cannot appoint Sanother person as agent for the performance of the task entrusted to him, except when the principl has authorised him to engage an agent. In that case, he should strickly act according to the insruction. Hence, if the principal has said to him: "Engage an agent for me", he should Sengege an agent for the principal and cannot appoint the agent on his own behalf.

2273. If an agent appoint ans agent for his principal, with his permission, he cannot remove that agent. And if the first agent dies or the principal dismisses him, the secon agency will not be invalidated.

2274. If an agent appoints asomeone as his own agent with the permission of the peincipal, the principal and the forst agent can dismiss that second agent, and if the first agent dies or is removed from office, the second agency becomes invalid.

2275. * If several persons are engaged as agents for performing a task, and everyone of them is allowed to act independedtly, everyone of them can perform that task, and if one of them dies the agency of others is not invalidated. But if, they were told to work jointly, they cannot act independetly, and if one of them dies, the agency of others is invalidated.

2276. * If the agent or the principal dies, the agency becomes invalid. Similarly, if the thing for the disposal of what which one his appointed an agent perishes, (for example, the sheep which the agent was entrusted to sell, dies) the agency becomes invalid. And if either of them (i.e. the principal or the agent) becomes insane or unconscious, the agency is invalidated. but if either of them becomes insane or unconscious occasionally, the agency does not become during such period, nor after the recovery.

2277. *If a person appoints someone as agent to perform a task, and promis-

es to give him something for his services, he must give the promised thing after completion of the task.

2278. * If an agent is not careless in looking after the property entrusted to him, nor does he exercise such discretion over it for which permission was not grante, and by chance the property is lost or destroyed, he should not compensate for it.

2279. * If an agent has been careless about looking after the property entrusted to him, or treated it in a manner which was different from the one allowed by the principal, and consequency the property is lost or destroyed, he is responsible for it. For example, if he is given a dress to sell, and instead he wears it, and it is lost or damaged, he should pay compensation for it.

2280. If an agent deals with a property in a manner other than the one for which he has been granted permission, for rxample, he wears a dress which hes been asked to sell, and then disposes it in in the authorised manner, that disposal will be in order.

Rules Regarding Debt or Loan

To give a loan to Momineeeen, particularly the needy ones. is Mustahab, on which great has been laid in the Holy Qur'an and in the Traditions (Ahadith). The Holy Prophet hsa been reported to have said that whoever gives loan to his Muslim brother, his wealth flourishes, and the angles invoke Divine mercy for him, and if he lenient with his debtot, he will pass over the Bridge (Sirat) swiftly. And if a Muslim denies his brethern-in-faith a loan, Paradise becomes forbidden (haraam for him).
2281. It is not necessary to recite a specific formula in the matter of debt. If a person gives something to another person with the intention of loaning, and the other takes it with the intention of borrowing, that contract will be in order.

2282. * Whenever a debtor pays his debt, the creditor should accept it. But if the time for repayment had been fixed at the request of the creditor, or by mutual understanding, then in this case, the creditor can refuse to accept the repayment before the termination of time.

2283. * If a period is fixed for the repayment of debt in the formal contract of debt by the debtoer, or by mutual agreement, the creditor cannot claim repayment of the debt before the expiry of that period. But if it was stipulated by the creditor, or if no such period was fixed, the creditor can demand the repayment of his debt at any time.

2284. When the creditor demands his debt, and the debtor is in a position to pay it, he should pay it immediately, and if he delays its payment, he can commits a sin.

2285. *If the debtor does not possess anything other than the house he occupies, the househol;d effects, and other things of essential needs, without which he would be facing hardship, the creditor cannot claim the repayment from him. He should wait till the debtoer is in a position to repay the debt.

2286. * If a person is indebted and he is unable to repay his debt, he should take up a suitable employement if he can, and pay off his debt. This is an obligatory precaution. Especially. if employment for him is easy, or if it has been his vocation, it is obligatory upon him to do so in order to pay off the debt.

2287. * If a person has no access to his creditor, and does not hope to find him or his heirs, he should pay the amount he owes to poor on behalf of the creditor. And as a precaution, he should obtain permission for it from the Mujtahid. And if his creditor is not a Sayyid, the recommended precution is that he should not give the sum he owes to a poor who is Sayyid. But if he hopes to find his creditor or the heirs, he should wait and search for him. And if he does not succeed, he should make a Will stating that if he died, and if the creditor or the heirs appear, they should be paid from his estate.

2288. If the estate of a dead person deos not exceed the obligatory expenses of his Kafan, burial and the payment of his debt, his estate should be utilised for these purposeand his heir will not inherit anything.

2289. * If a person takes a quantity of gold and silver currency as a loan

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and then its price falls, it will be sufficient if he gives the same quantity which he had taken. And if its price rises, he must give the same quantity which he had taken. Hopwever, in either case, there is no objection if the debtor and the creditor mutually agree to some other arrangement.

2290. If the property taken on loan has not perished, and its owner demands it the recommended precaution is that the debtor should return him the same property.

2291. If a person who advances a loan. makes a condition that he will take back more than what he gives, for example, he gives 3 kilos of wheat and stipulates that he will take back 31/ 2 kilos of whea, or eggs and says that he will take back eleven eggs, it will be usury and therefore haraam. Rather if he stipulates that the debtor should apart from the repayment, do some work for him, or repay the loan along with a quantity of another commodity (for example, if he lays down the condition that the debtor will return one rupee owed along with a match box) it will be usury and haraam. Also, if he stipulates that the debtor will return the thing loaned to him in a particular shape, e.g. if he gives him a quantity of gold, and imposes the condition that he will take it back as golden ornaments, that too, is usury haraam. However, if no condition is made by the creditor, and the debtor himself decides to repay something more than what he borrowed, there is no harm in it. In fact, it is Mustahab to do so.

2292. To pay interest is haraam,the same way as charging interest. However, if a person takes a loan against interest, he becomes it owner, althogh it is better that he should not exercise his right of disposal over it. And if it is known that the creditor would have allowed him the use of money loaned, even if they would not have agreed on interest, then the debtor can exercise his discretion over the money loaned to him without any objection.

2293. If a person takes interest bearing loan in the shape of wheat or any other similar thing, and does farming with it, he becomes the owner of the harvest, but it is better he should not exercise his right of disposal over harvest to acquired.

2294. * If a person purchases a dress, and then pays the owner of the dress with the money earned from interest, or with lawful money mixed with interst money, there will be no harm in wearing that dress and offering press with it. But if he says to the seller: *" I am purchasing this dress with this sort of money"*, it will be haraam to wear that dress. But offering prayers with that dress has been adequately explained in the rule for the clothes worn be one who wishes to pray.

2295. If a person gives a sum of money to a merchant, so that he may get from him

something less in another city, there is no harm in it. It is called *Sarf-i-Barat'*.

2296. * If a person gives some money to another person with the condition that after a few days, he will take a larger amount from him in another city, or town, (for example, he gives $990 to him, and stipulates that after ten days he will take $1000 from him in another city)and if that currency is of gold or silver, the transaction is uaury which is haraam. However, if the person who is taking more amount gives some commodity against the excess amount or performs some task, there is no harm in this arrangement. As for the usual bank notes, which is classified as things to be counted, there is no harm if some more is taken in exchange, except when it is in the form of debt and a condition for rxcess is laid, in which case, it will be interest and haraam. Or, if a person sells bank notes on credit basis, for more in return , and if they belong to the same classification of commodity, it is not a permissible transaction.

2297. If a person is owed by someone, and the thing owed is not in the category of gold, silver or anything measured or weighed, he can sell it to the debtor or anybody else for a lesser amount and realise the sum in cash. On this basis, in the present times, a creditor can sell the bills of exchange or the promissory notes received from the debtor, to the bank, or any other person at a price lower than the amount due to him(which is called' discounting' in common parlance) and can take the outstanding balance in cash, because dealing with regard to common bank bank notes is not by weight or measure.

Rules Regarding Hawala (Transferring the debts etc.)

2298. If a debt directs his creditor to collect his debt from the third person, and the creditor accepts the arrangement, the third person will, on completion of all the condition to be explained later, become the debtor. Thereafer, the creditor cannot demand his debt from the first debtor.

2299. * The debtor, the creditor and the person to whom collection is referred, should be adult and sane, and none should have coerced them, and they should not be feeble-minded, that is, those who squander their wealth. And it is also necessary that the debtor and the creditor are not bankrupt. Of course, if the debt is transferred to a person who is solvent, there is no harm even if the person assigning the transfer is bankrupt.

2300. * Transferring the debt to a person who is not a debtor will not be correct, unless he accepts it. And if a person wishes to affect a transaction to a debtor for a commodity other than that for which he is indebted, (for example, if he transfers the debt of wheat while he is indebted to him for barley) the transfer will not be in order, unless he accepts it. In fact, in all cases of such transfers and *Hawalas*, one to whom it is assigned should have accepted it, otherwise, the transaction will be void.

2301. * It is necessary that a person should actually be a debtor at the time he trasnsfer the debt. Therefore, if he intends taking a loan from some one, he cannot trnsfer the prospective debt in advance to another party, teeling the would be creditor to collect the debt from the party.

2302. * The debtor must specify exactly the category and the quantity of the debt he transfers to another party. For example, if his debt comprises of ten kilos of wheat and ten dollers owed to one person, and he tells him to go and collect either of the two debts from a certain party, that transaction will not be valid.

2303. If the debt is fully indentfied, but the debtor and the creditor do not know its quantity and category at the time of assigning the transfer, the transaction is in order. For example, if a person who has recorded the debt he owes to someone in his books, assigned a *Hawala* or transfer of debt before

referring to the books, and later, after consulting his records, infroms the creditors about the quantity of his debt, the transfer is in order.

2304. *The creditor may decline to accept the transfer of debt, although the person in whose name the assigning has been given may be rich, and may not fail to honour the *Hawala*

2305. * If a person accepting the *Hawala* is not a debtor to the person giving the *Hawala*, he can demand the amount of the *Hawala* from the person who gave it, before honouring the *Hawala*, unless it was previousely agreed that the payment would be deferred for a fixed period, and that period has not lapsed. In this case, the person receiving *Hawala* cannot demand payment even if he himself have honoured the *Hawala*. And if the creditor compromises for a lesser amount, the person honouring the *Hawala* should demand only that sum which he has paid.

2306. * When the conditions of the transfer of debt or *Hawala* have been fulfilled, the person effecting the *Hawala* and the person reciving it cannot cancel the *Hawala* and if the person receiving the *Hawala* was not poor at the time the *Hawala* was issued, the creditor cannot cancel the *Hawala* even if the recipient becomes poor afterwards. The same will pply if the recipient of the *Hawala* was poor at the time it was issued, and the creditor knew about it. But if the creditor did not know that the person to whom *Hawala* has been issued is poor, and when he comes to know of it, the recipient is still poor, then the creditor can abrogate the *Hawala* transaction, and demand his money from the debt himself. But if the recipient of *Hawala* has tuirned rich, then cancelling the *Hawala* cannot be substianted.

2307. * If the debtoer, the creditor, and the person to whom the *Hawala* is assigned agree among themselves that all of them or any one of them has a right to cancel the *Hawala*, they can do so in accordance with the clause of the agreement.

2308. If the person inssuing a *Hawala* pays the creditor himself, at the request of the person in whose name the Hawala was issued, who was also his debtor, he can claim from the recipient of the *Hawala* what he has paidto the

creditor. And if he has paid without his request, or if he was not his debtor, he cannot demand from him what he has paid.

Rules Regarding Mortgage (Rahan)

2309. * Mortgage means that a person effects a conveyance of property to another person as security for money debt, or property held under responsibility, with a proviso that if that debt is not paid, the creditor may pay himself out of the proceeds of that property.

2310. * It is not necessary to pronounce a prescribed formula for effecting the mortgage. If the debtor conveyances his property to the creditor with the intention of providing security for the debt, and the creditor accepts it with the same intention, the mortgage is in order.

2311. * The mortgage and the mortgagee should be adult and sane, and should not have been coerced by anyone. Moreever, the mortgagor should not be bankrupt and feeble minded. The meaning of 'bankrupt' and 'feeble- minded' have been given in rule 2262. But if the property mortgaged does not belong to the bankrupt, or if he has not been prohibited to use it, there is no objection.

2312. A person can mortgage that property over which he has a right of disposal discretion, and it is also in order if he mortgages the property of another person with his permission.

2313. The property mortgaged must be such in which trading is permissible by Shariah. Hence, if alcohol liquor or something like it is mortgaged, the transaction will be void.
2314. * The benefit which accrus from the mortgaged property, belongs to the oner, whether the mortgagor or any other person.

2315. *The mortgagcannot present or sell the mortgaged property to another person without the permission of the owner, whether he is the mortgagor or any other person. However, if he presents or sells it to another person, and the owner consents to it later, there is no harm in it.

2316. * If a mortgagee sells the mortgaged property with the permission of the owner, the sale proceeds will not be considered mortgaged like the property itself. And the same will apply if he sells it without the permission of the owner, but the owner endorses the transaction later. But if the mortgagor sells it with the permission of the mortgagee, with an understanding that its proceds will be mortgaged, that is, the sale proceeds of that property will get motgaged like the property itself, then he must follow the understanding . And if he contravenes it, the transaction will be void, except when the mortgagee gives his assent.

2317. * If the creditor demands the repayment of debt when it is due, and the debtor does not repay it, the creditor can sell the mortgaged property and collects his due, provided that he had been authorised to do so.
And if he was not authorised to do s, it will be necessary to obtain permission from the debto. And if the debtor is not availabel, he should obtain permission for the sale of the property from the Mujtahid. In either case, if he slae proceeds of his debt to the

debtor.

2318. * If the debtor does not possess anything othert than his house he occupies, and the essential household effects, the creditor cannot demand the repayment of the debt from him. But, if the thing mortgaged by him is his house and its household effects, the creditor can sell them, and realise his dues.

Rules Regarding Surety (Zamanat)

2319. * If a person wishes to stand surety for the repayment of the debts of another person, his act in this behalf will be in order, only when he makes the creditor unerstand by his words in any language, or by conduc, that he undertakes the responsibility for the repayment of the deb, and the creditor also accepts the deal. It is not necessary that the debtor, too, should be agrreable.

2320. * It is necessary that the guarantor and the creditor are adult and san, and have not been coercedby anyone. Furthermore, they should be feeble-minded or bankrupt. However, these conditions are not applicable

to the debtor. Therefore, if a person stands to repay the debt of a child, an insane, person or a feeble-minded aquanderer, the arrangement is in order.

2321. * When a person gives a guarantee with a condition, as when he says: " *If the debtor does not repay your debt, I shall pay it*", it is a matter of Ishkal to accept such a conditional guarantee as valid.

2322. * A man giving guarantee should know that the person that the person for whom he stands surety is actually a debtor. If someone is still considered to take a loan, one cannot stand as a guarantor till such time when the loan has been taken.

2323. A person can stand surety for some only when the creditor, the debtor, and the property given as loan, are actually specified. Therefore, if there are two creditors of a person, and a person wishing to guarantee says: *"I guarantee to pay the debt of one of you* " his being a grantor is void, because he has hot specified as to whose debt he would pay. Also, if a person is the creditor of two persons, and a person giving giving guarantee says: *" I guarnatee to pay you the debt of one of them*", his becoming a guarantor is void, as he has not specified which person's debt he would pay. Similarly, if a person is owed 30 kilos of wheat amd $10 by another person, and a person wishing to be a guarantor say: *I guarantee to pay one of your two debts*", and does not specify whether he guarantees payment of wheat or money, the grantee is not in order.

2324. If a creditor gifts the guarantor with the debt owed to him, the guarantor cannot claim anything from the debtor, and if the creditor gifts him with a part of his debt, the guarantor cannot demand that part from the debtor.

2325. * If a person becomes a guarantor for the payment of someone's debt, he cannot withdraw from his responsibility as a guarantor.

2326. As a precaution, the guarantot and the creditor cannot stipulate an option for cancellation of the grantee at any time they wish to do so.

2327. If a person was capable of paying the debt of the creditor at the time he stood as a surety, the creditor cannot cancell his guarantee and demand the payment of the debt from the first debtor, even if the guarantor may have become poor afterwards. And the same rule will apply if the surety at the time of guaranteeing wa not capable of paying the debt, yet the creditor agreed to his becoming the guarantor despite knowing it.

2328. * If at the time of standing surety, a person was incapable of paying the debt of the creditor, and the creditor not knowing the position, now wishes to cancel his guarantee, it will be a matter of Ishkal, especially if the surety becomes capable of paying the debt before the creditor takes notice of the matter.

2329. If a person guarnatees the payment of the debt of a person, without obtaining his permission, he (surety)cannot demand anything from the debtor.

2330. * If a person guarantees the payment of debt with the permission of the debtor, he can demand that amount or quantity from the debtor even before having paid anything to the creditor. But if he paid, or delivered acommodity other than the one which was owed, he cannot ask the debtor to pay or deliver to him that commodity. For example, if the debtor owed 10 tons of wheat, and the guarantor settled the debt with 10 tons of rice, he can not demand rice from the debtor, except when the debtor agrees to the arrangement, in which case, there is no objection.

Rules Regarding Personal Guarantee For Bail (kafalat)

2331. * Personal surety or security means that a person takes the respomsiblity for the appearance of a debtor, as and when the creditor asks for him. A person who accepts such a responsibility is called *Kafil* (guaranator)

2332. * A person surety will be valid only when the guanteor makes the creditor undertstand by words (in any language), or conduct, that he understakes to produce the debtor in person as and when demand by the creditor, and the creditor also accepts the arrangement. As a precaution, the debtor's consent is also necessary for the validity of such a gurantee; in

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fact, as a matter of precaution, both the debtor and the creditor must accept the *Kafalat*

2333. It is necessary for a guarantor (*kafil*) to be adult and sane, and he should not been under any coercion or pressure, and he should not be able to procduce the person whose guarantor he becomes. Similarly, he should not be a feeble-minded squanderer or a bankrupt, particularly if he has to spend his wealth in order to be able to produce the debtor before the creditor.

2334. * Anyone of the following five things will terminate the personal surety (bail

guarntee):
(i) When the guarantor hand over the debtor to the creditor, or if the debtor himself surrenders to the creditor.
(ii) When the debt of the creditor has been discharged.
(iii) When the creditor himself forgives the debt, or transfer it to someone else.
(iv) When the debtor or the guarantor dies.
(v) When the creditor absolves the gurantor from his personal surety.

2335. If a person forcefully releases a debtor from the hands of his creditor, and if the creditor does not have access to the debtor, the person who got the debtor released should hand him over to the creditor, or pay his debt.

Rules Regarding Deposit Or Custody Or Trust (Amanat)

2336. * When a person gives his property to another person, and tells him that it is deposited in trust, and the latter accepts it, or without uttering a word, by a simple conduct, the depositor and the reciever both understand and accept the intention, then they must follow the rules of Amanat as will be explained later.

2337. * Both the trustee and the depositor should be baligh and sane, and should not have been forced by anyone. Therefore, if a person deposits some property with an insane person, or a minor, or if an insane or minor trusteedeposits some property with someone, their action will not be in order. Of course, it is permissible for a discerning child to deposit someone else's property with that person 's consent. Similarly, a depositor must not be a feeble-minded squanderer or a bankrupt. But if the bankrupt person deposits a

property from which he has not been debarred, there is no objection. Also, the trustee must not be a feebel-minded squanderer or a bankrupt, if the protection of the property under his care involves spending from the wealth from which he is debarred.

2338. * If a person accepts a deposit from a child without the permission of its owner, he should return it to its owner. And if that deposit belong to the child himself, it is necessary that it is delivered to his guardian; and if it gets lost or destroyed before the delivery, the person who accepted the deposit must compensate for it. But if he had secured it from the child with the intention of delivering it to the guardian, and if he had not been careless in its safekeeping, he will not be responsible for a loss or damage. The same rule will apply in the case of an insane depositor.

2339. * If a person cannot look after the deposit, and the person making the deposit is not of his incapability, he should decline to accept the deposit.

2340. * If a person tells the owner of the property that he is not prepared to look after his property, and does not accept it, yet the owner leaves it there and goes away, and then the property perishes, the person who has declined to accept the deposit will not be responsible for it. However, the recommended precaution is that, if possible, he should look after that property.

2341. *A person who gives something to another person as a deposit, can abrogate the

arrangement as and when he likes, and similarly, one who accepts the deposit can do the same as and when he likes.

2342. If a person renounces the custody of the property deposited with him and abrogates the arrangementhe should deliver the property to its owner or to the agent or guardian of its owner, as quickly as possible, or inform them that he is prepared to contniue as a custodian. But if he does not, without any justifiable excuse, deliver the property to them and also does not inform them, and property perishes, he should give its subsitute.

2343. * If a person who accepts a deposit does not have a suitable place for its safe keeping, he should acquire such a place, and should take care of the deposit in a manner that he would not be accused of negligence. But if he acts carelessly in this regard, and the property is lost or damaged, he will have to compensate for it.

2344. * If a person who accepts a deposit has not been negligent in looking after it, nor he has gone beyond moderation, and then tghe property unexpectedly perishs, he will not be responsible for it. But id he has been careless about its security, say, by keeping it at a place which is vulnerable to theft, or if he commits such excesses like using those article od deposit without the owner's permission (like wearing the dress or riding the vehicle or the animal etc) and then the deposit property is lost or damaged, he should pay the owner its compensation.

2345. * If the owner of a property specified a place for its safe keeping, telling the person who has accepted the deposit: *"You will secure the property here, and even if you suspect that it might get lost here, you must not take it elsewhere"*, in such case, he cannot transfer it to another palce, and if he does, and it is lost, he is responsible.

2346. * If the owner indicated a place for the security of his deposit, but he did not mean to specify it to the exclusion of other suitable places, the person accepting the deposit can transfer it to a place which is equally safe, or safer than the first place, and if it is lost or damaged there, he will not be responsible.

2347. * If the owner of a depoist becomes permanently insane or unconscious, the deposit is authomatically abrogarated, and the person who had the deposit as trust, should return it immediately to his guardian, or inform him. And if he does not deliver the property to his guardian without a justifiable excuse, and is also negligent informing him, and the property perishes, he should give him its subsitute. But if the insanity or being unconscious is intenermitent, then the deposit cannot be considered as authomatically abrogated.

2348. * If the owner of the deposit dies, the transaction is nullified, and if

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the peposit is transferable to theto the heirs without any liability, the trustee should deliver the deposit to the heirs, or inform them about it. And if he fails to do so, without any justifiable excuse, he will be responsible for its loss or damage. However,

if he delayed to investigate whether the claimants were the right heirs or not, or whether there were other heirs besides them, and showed no negligence on his part in parting with the deposit or informing the heirs, he will not be responsible for any loss or damage.

2349. * If the owner of the deposit dies, and it devolves upon his heirs, the trustee of the deposit should give the property to all the heirs, or the person who has been authorised by all of them to receive the property. Hence, if he gives the entire property to ne heir without the consent of others, he will be responsible for tthe shares of the remaining heirs.

2350. * If the trustee of the deposit dies, or becomes permanatly insane or unconscious, his heir or guardian should inform the depositor of the property, or deliver the property to him as quickly as possible. But if insanity or unconciouness is intermittent, the deposit cannot be termed as void.

2351. * If a person with whom a property has been deposited, observes in himself the signs of approaching death, as precaution he should , if possible, deliver the deposit entrusted to him to its owner, his guardian or his agent, or inform him. And if it is not possible to do so, he should make such arrangement which would satisfy him that the deposit would reach its rightful owner after his death. For example, he should make a Will aboy it, his Will and to the witness, describing fully the nature of the deposit, and the place where it is kept.

2352. * If a person with whom a property has been deposited, sees in himself the signs of approaching death, and does not act according to his obligattion as mentioned in the foregoing rule, and the property suffer loss or damage, he will be responsible for the deposit, and should make amends for it. But if he recovers from his illness, or after some time repents and acts according to his obligations, then he will not remain responsible.

Rules Regarding Borrowing, Lending (Ariyat)

2353. *Ariyat* means that a person gives property to anothert person for use without asking anything in exchange.

2354. * It is not necessary in the case of *Ariyat* that a formal formula be pronounced. So, for example, a person gives a dress to someone with the intention of lending, and he takes it with the intention of borrowing, it is in order.

2355. Lending a thing which has been usurped, and a thing which belongs to the lender but its benefit has been assigned to some other persaon, like, if it has been given on lease, will be valid only when the owner of the usurped thing, or the assignee is agreable to its being lent.

2356. * The assingnee of any benefit, like a lease, can lend the object or property has been leased, to others. But, as a precaution, he cannot give it into the possession of the borrower without the owner's permission.

2357. * If an insne person, or a minor child, or one who is bankrupt, or aa feeble-minded squanderer, lends his property it is not valid. But if, the guardian of such persons considers it expendient to lend the property under his guardianship, there is no harm in it. Similarly, if a minor acts as an intermediary in delivering the lent article to the borrower, there is no objection.

2358. If a person who has borrowed something is not negligent in its keep, nor does he go beyond moderation in its use, he will not be responsible if it is lost or damaged by chance. However, if the two parties stipulate that, the borrower would be responsible for loss or damage, or if the thing borrowed is gold or silver and it is lost or damaged, the borrower should compensate for it.

2359. If a person borrows gold or silver and stipulates that if it is lost or damaged, he will not responsible, he is not responsible if it is lost.

2360. * If the lender dies, the borrower should give it to the former' heirs, acting according to rule 2348 in respect of the deposits.

2361. * If the lender is incapacitated in such a way that he does not have any right of disposal or discretion over his property, like, if he becomes insane or unconscious, the borrower must act in the manner explained in rule 2348 in respect of deposits.

2362. * A lender can rescind the transaction as and when he likes, and the borrower can also do so at any time he wishes.

2363. * Lending something which is not halal to use, like instuments of amusement and gambling, and utensils of gold and silver for eating or drinking, or for any other purposes, is void. However, giving them on loan for the purpose of decoration is permissible, although precaution is that they should not be given on loan even for thios purpose.

2364. Giving on a loan a sheep for the use of its milk and wool, and lending a male animal for matin, is in order.

2365. * If a borrower gives the borrowed property to the owenr, or to his agent, or guardian, and thereafter that thing is lost or damaged, the borrower is nor responsible. But if he takes it to a place without the permission of its owner, or his agent, or guardian, although it may be a usual place to the pwner usually kept it- for example, if he takes the borrowed horse to the stable which has been prepared for its owner, and ties ir there, and it is lost or destroyed later, or some one destroyes it, the borrower is responsible for it.

2366. * If a person lends a Najis thing, and if the situation is like the one explained in rule 2065, he must inform the borrower about it being Najis.

2367. If a person has borrowed a thing, he cannot give it to another person on hire or loan, without the permission of its owner.

2368. If a thing is borrowed, and is then lent to another person with the permission of its owner, and the first borrower dies or becomes insane, the second lending does not become invalid.

2369. If a borrower knows that the borrowed property has been usurped, he should deliver it to its rightful owner, and he cannot give it to the lender.

2370. If a person borrows somthing about which he knows that it has been usurped, and utilises it, and then it is lost or damaged while in his possession, the rightful owner can demand compensaionfor that thing, and the benefit derived from it, from him, or from the lender who usurped it. And if he takes that compensation from the borrower, the borrower cannot claim from the lender what he has paid to the rightful owner.

2371. If the borrower does not know that the property which he has borrowed is a unsurped one, and it is lost or damaged while it is with him, and if its owner receives compensation from him, he too, can demand from the lender what he has paid to the owner. But if the thing borrowed is gold or silver, or if the person who lent him the property stipulated that if it is lost or damaged he will have to give him compensation for it, he cannot demand from the lender the compensation which he gives to the rightful owner of the property.

Marriage

* The relation between man and woman becomes lawful by contracting marriage. There are two kinds of marriages:
(i) Permanent marriage
(ii) Fixed-time marriage

In a permanent marriage, the period of matrimony is not fixed, and it is forever. The woman with whom such a marriage is concluded is called *da'ima* (i.e. a permanent wife).

In a fixed time marriage *(Mut'ah)*, the period of matrimony is fixed, for example, matrimonial relation is contracted with a woman for an hour, or a day, or a month, or a year, or more. However, the period fixed for the marriage should not exceed the span of normal lives of the spouses, because in that case, the marriage will be treated as a permanent one. This sort of fixed time marriage is called *Mut'ah* or *Sigha*.

Marriage Formula

2372. * Whether marriage is permanent or temporary, the formal formula must be pronounced; mere tacit approval and consent, or written agreement, is not sufficient. And the formula *(Sigha)* of the marriage contract is pronounced either by the man and

the woman themselves, or by a person who is appointed by them as their representatives to recite it on their behalf.

2373. The representative should not necessarily be a male. A woman can also become a representative to pronounce the marriage formula.

2374. * As long as the woman and the man are not certain that their representative has pronounced the formula, they cannot look at each other as Mahram (like husband and wife), and a mere probable suspicion that the representative might have pronounced the formula is not sufficient. And if

the representative says that he has pronounced the formula, but his assertion does not satisfy the parties concerned, it will not be deemed sufficient.

2375. If a woman appoints a person as her representative so that he may, for example, contract her marriage with a man for ten days, but does not specify the day from which the period of ten days would commence, the representative can contract her marriage with that man for ten days from any day he likes. However, if the representative knows that the woman intends a particular hour or day, he should pronounce the formula according to her intention.

2376. One person can act as the representative of both sides for reciting the formula of permanent or temporary marriage. It is also permissible that a man may himself become the representative of a woman and contract permanent or temporary marriage with her. However, the recommended precaution is that two separate persons should represent each side, for the formula of marriage contract.

The Method of Pronouncing the Marriage Formula

2377. * If a woman and a man themselves want to recite the formula of permanent marriage, the woman should first say: *Zawwajtuka nafsi 'alas sidaqil ma'lum* (i.e. I have made myself your wife on the agreed mahr), and then the man should immediately respond thus: *Qabiltut tazwij* (i.e. I accept the marriage). In this way, the marriage contract will be in order.

And if a woman and a man appoint other person to act as their representatives for pronouncing the formula of marriage, and if, for example, the name of the man is Ahmad and that of the woman is Fatimah, the representative of the woman should first say: *Zawwajtuka muwakkilaka Ahmad muwakkilati Fatimah 'alas sidaqil ma'lum* (i.e. I have given to your client Ahmad in marriage my client Fatimah on the agreed mahr) and thereafter the representative of the man should immediately respond thus: *Qabiltut tazwijali Muwakkili Ahmad 'alas sidaqil ma'lum* (that is, I accepted this matrimonial alliance for my client Ahmad on the agreed Mahr). Now the marriage contract is in order. And, on the basis of recommended precaution, it is necessary that the words uttered by the man should conform with those uttered by the woman; for example, if the woman says: *Zawwajituka* ...... (i.e. I have made myself your

wife) the man should also say: *Qabituttazwija* ......(i.e. I accept the matrimonial alliance) and not *Qabitun Nikaha.*

2378. * It is permissible for a man and a woman to recite the formula of the temporary marriage (*Mut'ah*), after having agreed on the period of marriage and the amount of Mahr. Hence, if the woman says: *Zawwajtuka nafsi fil muddatil ma'lumati 'alal mahril ma'lum* (i.e. I have made myself your wife for an agreed period and agreed Mahr), and then the man immediately responds thus: *Qabiltu* (i.e. I have accepted), the marriage will be in order. And the marriage will also be in order if they appoint other persons to act as their representatives. First, the representative of the woman should say to the representative of the man thus: *Matta'tu muwakkilati muwakkilaka fil muddatil ma'lumati 'alal mahril ma'lum* (i.e. I have given my client to your client in marriage for the agreed period and the agreed Mahr), and then the representative of the man should immediately respond thus: *Qabiltut tazwija li muwakkili hakaza* (i.e. I accepted this matrimonial alliance for my client this way).

Conditions of Pronouncing Nikah

2379. * There are certain conditions for the Nikah recited for marriage. They are as follows:
(i) On the basis of precaution, the formula (Nikah) of marriage contract should be pronounced in correct Arabic. And if the man and the woman cannot pronounce the formula in correct Arabic, they can pronounce the Nikah in any other language, and it is not necessary to appoint any representatives. But the words used in translation must convey strictly the meaning of *Zawwajtu* and *Qabiltu*;.
(ii) The man and the woman or their representatives, who recite the Nikah, should have the intention of *Insha'* (i.e. reciting it in a creative sense, making it effective immediately). In other words, if the man and the woman themselves pronounce the formula, the intention of the woman by saying: *Zawwajtuka nafsi'* should be that she effectively makes herself the wife of the man; and by saying:*Qablitut tazwija*; the man effectively accepts her as his wife. And if the representatives of the man and the woman pronounce the Nikah, their intention by saying: *'Zawwajtu'* and

'Qablitu' should be that the man and the woman who have appointed them as their representatives, have effectively become husband and wife.
(iii) The person who pronounces the Nikah (whether he pronounces it for himself or has been engaged by some other person as his representative) should be sane, and as a precaution, he should be baligh also.
(iv) If the Nikah is pronounced by the representatives or the guardians of the man and the woman, they should identify the man and the woman by uttering their names or making intelligible signs towards them. Hence, if a person has more than one daughters, and he says to a man: *Zawwajtuka Ihda Banati* (i.e. I have given away one of my daughters to you as your wife) and the man says: *Qabiltu* (i.e. I have accepted) the marriage contract is void, because the daughter has not been identified.
(v) The woman and the man should be willing to enter into a matrimonial alliance. If, however, the woman ostensibly displays hesitation while giving her consent, but it is known that in her heart, she is agreeable to the marriage, the marriage is in order.

2380. If, while reciting the Nikah, even one word is pronounced incorrectly, as a result of which its meaning is changed, the marriage contract would be void.

2381. * If a person pronouncing Nikah comprehends its general meaning, and has a clear intention of effecting that meaning, the Nikah will be valid. It is not necessary for him to know the exact meaning of each word, or to know the laws of Arabic grammar.

2382. If Nikah of a woman is pronounced to a man without her consent, but later both man and woman endorse the Nikah, the marriage is in order.

2383. If the woman and the man, or any one of them, is coerced into matrimony, and they give consent after the Nikah has been pronounced, the marriage is in order, although it is better that the Nikah be repeated.

2384. * The father and the paternal grandfather can contract a marriage on behalf of his minor son or daugher, or on behalf of an isane son or daugh-

ter, if they are baligh. And after the children have become baligh or the insane has become sane, he can endorse or abrogate it, if the contracted marriage involves any moral lapse or scandal. And if the marriage contract does not involve any moral lapse or scandal, but the na-baligh son or daughter calls off the marriage, then as an obligatory precaution, a *Talaq* or a renewed Nikah, whatever the case may be, must be recited.

2385. * If a girl has reached the age of bulugh and is virgin and mature (i.e. she can decide what is in her own interest) wishes to marry, she should, obtain permission from her father or paternal grandfather, although she may be looking after her own affairs. It is not, however, necessary for her to obtain permission from her mother or brother.

2386. * In the following situations, it will not be necessary for a woman to seek the permission of her father or paternal grandfather, before getting married:

(i) If she is not a virgin.
(ii) If she is a virgin, but her father or paternal grandfather refuse to grant permission to her for marrying a man who is compatible to her in the eyes of Shariah, as well as custom.
(iii) If the father and the grandfather are not in any way willing to participate in the marriage.
(iv) If they are not in a capacity to give their consent, like in the case of mental illness etc.
(v) If it is not possible to obtain their permission because of their absence, or such other reasons, and the woman is eager to get married urgently.

2387. * If the father or the paternal grandfather contracts marriage on behalf of his na-baligh son, the boy, upon attaining bulugh, should pay maintenance of his wife. In fact, he should start paying her maintenance before becoming baligh, when he is able

to consummate the marriage. And the wife should not be too young to have any sexual relation with the husband. And in the situation other than these, there is a strong indication that she is entitled to maintenance from the husband, therefore a compromise should be carried out as a precaution.

2388. * If the father or the paternal grandfather contracts a marriage on behalf of his na-baligh son, they should pay the Mahr if the boy does not own any means, or if either of them undertakes to pay the Mahr himself. In other situations, the father or the paternal grandfather can pay Mahr from the boy's wealth, but it should not exceed the proper usual Mahr customarily given in similar cases. But if the circumstances demand that higher Mahr be paid, they can pay it from the boy's wealth, and not otherwise, unless the boy approves it after having become baligh.

Occasions When Husband or Wife Can Nullify Nikah

2389. * If the husband comes to know after Nikah that his wife had, at the time of Nikah, any one of the following six deficiencies, he can annul the marriage:

(i) Insanity, even if it is intermittent.
(ii) Leprosy
(iii) Leucoderma
(iv) Blindness
(v) Being crippled, even if it is not to the extent of immobility.
(vi) Presence of flesh or a bone in the woman's uterus, which may or may not obstruct sexual intercourse or pregnancy. And if the husband finds that the wife at the time of Nikah, suffered from *'Ifdha'* - meaning that her urinary and menstrual tract have been one, or her menstrual passage and rectum have been one, he cannot annul the marriage. As an obligatory precaution, he will have to pronounce *talaq* if he wants to dissolve the marriage.

2390. * A woman can annul the Nikah in the following cases, without obtaining divorce:

(i) If she comes to know that her husband has no male organ.
(ii) If she finds that his penis has been cut off before or after the sexual intercourse.
(iii) If he suffers from a disease which disables him from sexual intercourse, even if that disease was contracted after the Nikah, or before or after the sexual intercourse.

2390. * In the following situations, if a wife refuses to continue with the matrimony and wishes to dissolve the marriage, then as a matter of precaution, the husband or his guardian will solemnise the divorce:
(i) If she comes to know after the Nikah, that the husband was insane at the time of Nikah; or if he becomes insane after the Nikah, before or after consummation of the marriage.
(ii) If she finds out that at the time of Nikah, the husband had been castrated.
(iii) If she learns that he suffered at the time of Nikah from leprosy or leucoderma.

- Note: And if the husband is incapable of sexual intercourse, and she wishes to annul the marriage, it will be necessary for her to approach the Mujtahid or his representative, who may allow the husband a period of one year, and if it is found that he was not able to have sexual intercourse with her or with any other woman, the wife can annul the marriage.

2391. * If the wife annuls the marriage because of the husband's inability to have sexual intercourse, the husband should give her half of her Mahr. But, if the man or the wife annuls the marriage because of one of the other deficiencies enumerated above, and if the marriage has not been consummated, he will not be liable for anything. But if the marriage was consummated, he should pay her full Mahr. If the husband annuls the marriage due to the deficiencies mentioned in rule 2389, he will not be liable for anything if he has not had sexual intercourse with her. But if he has had sexual relation with her, then he has to pay full Mahr.

Women With Whom Matrimony is Haraam

2393. Matrimonial relation is haraam with women who are one's *Mahram*, for instance, mother, sister, daughter, paternal aunt, maternal aunt, niece (one's brother's or sister's daughter) and mother-in-law.

2394. If a man marries a woman, then her mother, her maternal grandmother, her paternal grandmother and all the women as the line ascends are his *Mahram*, even if he may not have had sexual intercourse with the wife.

2395. If a person marries a woman, and has sexual intercourse with her, the daughters and grand-daughters (daughters of sons, or of daughters) of the

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wife and their descendants, as the line goes low, become his *Mahram*, irrespective of whether they existed at the time of his marriage, or were born later.

2396. If a man marries a woman, but does not have sexual intercourse with her, the obligatory precaution is that as long as their marriage lasts, he should not marry her daughter.

2397. The paternal and maternal aunt of a man, and the paternal and maternal aunt of his father, and the paternal and maternal aunt of his paternal grandfather, and the paternal and maternal aunt of his mother, and the paternal and maternal aunt of his maternal grandmother, as the line ascends, are all his *Mahram*.

2398. The husband's father and grandfather, however high, are the wife's *Mahram*. Similarly the husband's sons and the grandsons (son of his sons or of daughters), however low, are her *Mahram*, regardless of whether they existed at the time of her marriage or were born afterwards.

2399. If a man marries a woman (whether the marriage be permanent or temporary) he cannot marry her sister, as long as she is his wife.

2400. If a person gives a revocable divorce to his wife, in the manner which will be

explained under the rules relating to 'Divorce', he cannot marry her sister during the *Iddah*. But if it is an irrevocable divorce, he can marry her sister. And if it is the *Iddah* of temporary marriage, the obligatory precaution is that one should not marry his wife's sister during that period.

2401. A man cannot marry the niece (brother's or sister's daughter) of his wife without her permission. But if he marries his nieces without his wife's permission, and she later consents to the marriage, it will be in order.

2402. * If the wife learns that her husband has married her niece (brother's daughter or sister's daughter) and keeps quiet, and if she later consents to that marriage, it will be in order. If she does not consent later, the marriage will be void.

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2403. * If before marrying his maternal or paternal aunt's daughter, a person commits incest (sexual intercourse) with her mother, he cannot marry that girl on the basis of precaution.

2404. * If a person marries his paternal or maternal aunt's daughter, and after having consummated the marriage, commits incest with her mother, this act will not become the cause of their separation. And the same rule applies if he commits incest with her mother after the Nikah, but before having consummated the marriage with her, although the recommended precaution is that in this circumstance he should separate from her by giving her divorce.

2405. * If a person commits fornication with a woman other than his paternal or maternal aunt, the recommended precaution is that he should not marry her daughter. In fact, if he marries a woman, and commits fornication with her mother before having sexual intercourse with her, the recommended precaution is that he should separate from her, but if he has sexual intercourse with her, and thereafter commits fornication with her mother, it is not necessary for him to get separated from her.

2406. * A Muslim woman cannot marry a non-Muslim, and a male Muslim also cannot marry a non-Muslim woman who are not Ahlul Kitab. However, there is no harm in contracting temporary marriage with Jewish and Christians women, but the obligatory precaution is that a Muslim should not take them in permanent marriage. There are certain sects like Khawarij, Ghulat and Nawasib who claim to be Muslims, but are classified as non-Muslims. Muslim men and women cannot contract permanent or temporary marriage with them.

2407. If a person commits fornication with a woman who is in the Iddah of her revocable divorce, as a precaution that woman becomes haraam for him. And if he commits fornication with a woman who is in the *Iddah* of temporary marriage, or of irrevocable divorce, or in the *Iddah* of death, he can marry her afterwards, although the recommended precaution is that he should not marry her.

The meaning of revocable divorce and irrevocable divorce, and *Iddah* of

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temporary marriage, and *Iddah* of death, will be explained under the rules relating to 'Divorce'.

2408. * If a person commits fornication with an unmarried woman and who is not in *Iddah*, as a precaution, he cannot marry her till he has sought forgiveness from Allah, and repented. But if another person wishes to marry her before she has repented, there is no objection. If a woman is known as a lewd person, it will not be permissible to marry her till she has genuinely repented, and similarly, it is not permissible to marry a man known for his lustful character, till he has genuinely repented. If a man wishes to marry a woman of loose character, he should, as a precaution, wait till she becomes *Pak* from her menses, irrespective of whether he had committed fornication with her, or anyone else had done so.

2409. If a person contracts Nikah with a woman who is in the *Iddah* of another man, and if the man and the woman both know, or any one of them knows that the *Iddah* of the woman has not yet come to an end, and if they also know that marrying a woman during her *Iddah* is haraam, that woman will become haraam for the man forever, even if after the Nikah the man may not have had sexual intercourse with her.

2410. If a person contracts Nikah with a woman who is in the *Iddah* of another man, and has sexual intercourse with her, she becomes haraam for him forever even if he did not know that she was in her *Iddah*, or did not know that it is haraam to marry a woman during her *Iddah*.

2411. * If a person marries a woman knowing that she has a husband, he should get separated from her, and should also not marry her at any time afterwards. And the same rule will apply, as a precaution, if he did not know that the woman was already married, and had sexual intercourse with her after Nikah.

2412. If a married woman commits adultery, she on the basis of precaution, becomes haraam permanently for the adulterer, but does not become haraam for her husband. And if she does not repent, and persists in her action (i.e. continues to commit adultery), it will be better that her husband divorces her, though he should pay her Mahr.

2413. In the case of the woman who has been divorced, or a woman who contracted a temporary marriage and her husband forgoes the remaining period of marriage, or if the period of her temporary marriage ends, if she marries after some time, and then doubts whether at the time of her second marriage, the *Iddah* of her first husband had ended or not, she should ignore her doubt.

2414. * If a baligh person commits sodomy with a boy , the mother, sister and daughter of the boy become haraam for him. And the same law applies when the person on whom sodomy is committed is an adult male, or when the person committing sodomy is na-baligh. But if one suspects or doubts whether penetration occurred or not, then the said woman would not become haraam.

2415. * If a person marries the mother or sister of a boy, and commits sodomy with the boy after the marriage, as a precaution, they will become haraam for him.

2416. If a person who is in the state of *Ehram* (which is one of the acts to be performed during Hajj) marries a woman, the Nikah is void, and if he knew that it was haraam for him to marry in the state of *Ehram*, he cannot marry that woman again.

2417. * If a woman who is in the state of *Ehram* marries a man who is not in the state of *Ehram*, her Nikah is void. And if she knew that it was haraam to marry in the state of Ehram, as an obligatory precaution, she should not marry that man thereafter.

2418. * If a man does not perform *Tawafun Nisa* (which is one of the acts to be performed during Hajj and Umrah Mufradah) his wife and other women become haraam for him. Also, if a woman does not perform *Tawafun Nisa*, her husband and other men become haraam for her. But, if they (man or woman) perform *Tawafun Nisa* later, they become halal.

2419. * If a person contracts Nikah with a non-baligh girl, it is haraam to have sexual intercourse before she has completed her nine years. But if he

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commits sexual intercourse with her, she will not be haraam for him when she becomes baligh, even if she may have suffered *Ifza* (which has been described in rule 2389), though as a precaution, he should divorce her.

2420. A woman who is divorced three times, becomes haraam for her husband. But, if she marries another man, subject to the conditions which will be mentioned under the rules pertaining to 'divorce', her first husband can marry her again after her second husband dies, or divorces her, and she completes the period of *Iddah*.

Rules Regarding Permanent Marriage

2421. * For a woman with whom permanent marriage is contracted, it is haraam to go out of the house without the permission of her husband, though her leaving may not violate the rights of the husband. Also she should submit herself to his sexual desires, and should not prevent him from having sexual intercourse with her, without justifiable excuse. And as long as she does not fail in her duties, it is obligatory on the husband to provide for her food, clothes and housing. And if he does not provide the same, regardless of whether he is able to provide them or not, he remains indebted to the wife.

2422. * If the wife does not fulfil her matrimonial duties towards her husband, she will not be entitled for the food, clothes or housing, even if she continues to live with him. But if she refuses to obey occasionally, the common verdict is that even then she cannot claim any entitlement from her husband. But this verdict is a matter of Ishkal. In any case, there is no doubt that she does not forfeit her Mahr.

2423. Man has no right to compel his wife to render household services.

2424. * The travelling expenses incurred by the wife must be borne by the husband, if

they exceed her expenses at home, and if she had travelled with the husband's permission. But the fares for travel by car or by air etc. and other expenses, which are necessary for a journey, will be borne by the wife, except when the husband is himself inclined to take her along with him on a journey, in which case he will bear her expenses also.

2425. * If the husband who is responsible for the wife's maintenance, does not provide her the same, she can draw her expenses from his property without his permission. And if this is not possible, and she is obliged to earn her livelihood, and she cannot take her case to the Mujtahid, who would compel him (even by threatening him with imprisonment) to pay the maintenance, it will not be obligatory upon her to obey her husband while she is engaged in earning her livelihood.

2426. * If a man, for example, has two wives and spends one night with one of them, it is obligatory on him to spend anyone of four nights with the other as well; in situation other than this, it is not obligatory on a man to stay with his wife. Of course, it is necessary that he should not totally forsake living with the wife. And as a precaution, a man should spend one night out of every four with his permanent wife.

2427. * It is not permissible for the husband to abandon sexual intercourse with his youthful, permanent wife for more than 4 months, except when sexual intercourse is harmful to him, or involves unusually more effort, or when the wife herself agrees to avoid it, or if a prior stipulation to that effect was made at the time of Nikah by the husband. And in this rule, there is no difference between the situations when the husband is present, or on a journey, or whether she is a wife by permanent or temporary marriage.

2428. If Mahr is not fixed in a permanent marriage, the marriage is in order. And in such case, if the husband has sexual intercourse with the wife, he should pay her proper Mahr which would be in accordance with the Mahr usually paid to women of her category. As regards temporary marriage, however, if Mahr is not fixed the marriage is void.

2429. If at the time of Nikah for permanent marriage, no time is fixed for paying Mahr, the wife can prevent her husband from having sexual intercourse with her before receiving Mahr, irrespective of whether the husband is or is not able to pay it. But if she once agrees to have sexual intercourse before taking Mahr, and her husband has sexual intercourse with her, then she cannot prevent him afterwards from having sexual intercourse without a justifiable excuse.

Mut'ah (Temporary Marriage)

2430. Contracting a temporary marriage with a woman is in order, even if it may not be for the sake of any sexual pleasure.

2431. The obligatory precaution is that a husband should not avoid having sexual intercourse for more than four months with a wife of temporary marriage.

2432. * If a woman with whom temporary marriage is contracted, makes a condition that her husband will not have sexual intercourse with her, the marriage as well as the condition imposed by her will be valid, and the husband can then derive only other pleasures from her. However, if she agrees to sexual intercourse later, her husband can have sexual intercourse with her, and this rule applies to permanent marriage as well.

2433. A woman with whom temporary marriage is contracted, is not entitled to subsistence even if she becomes pregnant.

2434. * A woman with whom temporary marriage is contracted, is not entitled to share the conjugal bed of her husband, and does not inherit from him, and the husband, too, does not inherit from her. However, if one or both lay down a condition regarding inheriting each other, such a stipulation is a matter of Ishkal as far as its validity is concerned, but even then, precaution should be exercised by putting it into effect.

2435. If a woman with whom temporary marriage is contracted, did not know that she was not entitled to any subsistence and sharing her husband's conjugal bed, still her marriage will be valid, and inspite of this lack of knowledge, she has no right to claim anything from her husband.

2436. * If a wife of temporary marriage goes out of the house without the permission of her husband, and the right of the husband is in anyway violated, it is haraam for her to leave. And if the right of her husband remains protected, it is a recommended precaution that she should not leave the house without his permission.

2437. * If a woman empowers a man that he may contract a temporary marriage with her for a fixed period, and against a specified amount of Mahr, and instead, that man contracts a permanent marriage with her, or contracts a temporary marriage with her without specifying the time or amount of Mahr, the marriage will be void. But if the woman consents to it on understanding the position, then the marriage will be valid.

2438. In order to become Mahram (with whom marriage contract becomes haraam and is treated to be one of the close relatives), a father or a paternal grandfather can contract the marriage of his na-baligh son or daughter with another person for a short period, provided that it does not involve any scandal or moral lapse. However, if they marry a minor boy or a girl who is not in anyway able to derive any sexual pleasure during the period from the spouse, then the validity of such a marriage is a matter of Ishkal.

2439. If the father or the paternal grandfather of an absent child, marry it to someone for the sake of becoming Mahram, not knowing whether the child is alive or dead, the purpose will be achieved only if during the period fixed for marriage, the child can become capable of consummating marriage. If it later transpires that it was not alive at the time the marriage was contracted, it will be considered void, and the people who had apparently become Mahram will all become Na-Mahram.

2440. If a husband gifts the wife of *Muta'h* with the period of her temporary marriage, thus releasing her, and if he has had sexual intercourse with her, he should give her all the things he agreed to give her. And if he has not had sexual intercourse with her, it is obligatory on him to give her half the amount of Mahr, though the recommended precaution is that he should give her full amount of Mahr.

2441. If a man contracted a temporary marriage with a woman, and the period of her *Iddah* has not ended yet, he is allowed to contract a permanent marriage with her or renew a contract for temporary marriage with her.

Looking At Non-Mahram

2442. * It is haraam for man to look at the body or hair of the Non-Mahram women, regardless of whether it is with the intention of pleasure or not, and whether there is a fear of falling into sinful act or not. It is also haraam to look at the faces and the arms, upto the wrists, of such women with the intention of pleasure, or if there is fear of falling into sinful act, and the recommended precaution is that one should not look at their faces or arms even without such an intention. Similarly, it is haraam for a woman to look at the body of Non-Mahram man, except places which are customarily not covered, like, his face, hands, head, neck and feet. She can look at these parts of a man without the intention of deriving any pleasure, or if there is no fear of being entrapped in any sinful act.

2443. * To look at the body of a woman who would not care for Hijab, even if she were advised, is not haraam, provided that it does not lead to sinful act or sexual pleasure, and excitement, nor is it with that intention; and in this rule, there is no distinction between a Muslim and a non-Muslim woman; and also between those parts, like their faces, their hands which they normally do not cover, and other parts of their bodies.

2444. * Woman should conceal her body and hair from a man who is non-Mahram, and as an obligatory precaution, she should conceal herself even from a Na-baligh boy who is able to discern between good and evil, and could probably be sexually excited. But she can leave her face and hands upto wrists uncovered in the presence of Na-Mahram, as long as it does not lead him to casting a sinful, evil glance or her to doing something forbidden; for in both these cases, she must cover them.

2445. It is haraam to look at the private parts of a baligh Muslim, even if it is seen behind the glass or reflected in the mirror, or clean water etc. As an obligatory precaution, it is also haraam to look at the genitals of a non-Muslim, and of a discerning Na-baligh child. However, wife and her husband can look at the entire body of each other.

2446. If a man and woman who are Mahram of each other, do not have the intention of sexual pleasure, they can see the entire body of each other excepting the private parts.

2447. * A man should not look at the body of another man with the intention of sexual excitement, and also, it is haraam for a woman to look at the body of another woman with the intention of sexual excitement.

2448. A man who is acquainted with a Na-Mahram woman, should not, as a precaution, look at her photograph etc., provided that the woman is not a heedless, commonplace person.

2449. * If a woman wants to give an enema to another woman, or to a man other than her husband, or to clean her/his private parts with water, she should cover her hand with such a thing that her hand would not touch the private parts of the other woman or man. And the same applies to a man who wants to give an enema to another man or a woman other than his wife, or to clean his/her private parts with water.

2450. * If a woman is rendered helpless by her disease, and if the only helpful treatment to her can be given by a male doctor, she can refer to him. And if that male doctor must look at her to be able to treat her, or to touch her for that matter, there is no objection. However, if he can treat her by looking at her, he should not touch her body, and if he can treat her by touching her body, he should not look at her.

2451. * If a person is obliged to look at the private parts of a patient for his/her medical treatment, he should, on the basis of obligatory precaution, place a mirror opposite him/her and look into it. However, if there is no alternative but to look directly at his/her private parts, there is no objection. Similarly, if the duration of regarding the genitals in the mirror would be longer than looking at them directly, the latter method be adopted.

Miscellaneous Rules Concerning Marriage

2452. If a person gets entangled in haraam acts owing to his not having a wife, it is obligatory for him to marry.

2453. * If the husband makes it a condition before Nikayh, that the woman should be a virgin, and it transpires after Nikah that she is not virgin, he can repudiate the marriage. However, he can diduct and

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take the difference between the Mahr usual paid for a virgin woman and the one who is not a virgin.

2454. * It is haraam for a man and woman who are not mahrams, to be together at a private place where there is no one else, if it is feared to lead a imorality and scandal, even if it a place where another person can easily arrive. But if there is no fear of any evil, there is no objection.

2455. * If the man fixes the Mahr of the woman at time of Nikah, but intends not to give it, the marriage contact is in order, but he will indebted to her.

2456. * A Muslim who renouces Islam and adopt a non Muslim faith, is apostate, and they are of two types: *Fitri* and *Milli* .*Fitri* apostate is one whose parents or one of them were Muslems when he was born, and he himself was also a Muslim, till after having reached the diserning age, and thereafter he coverted to become a non Muslim. A *Milli* is exactly the opposite.

2457. * If a woman becomes an apostate after marriage her marriage becomes void, and if her husband has not had sexual intercourse with her, she is not required to observe any *Iddah*. And the possition will be the same if she apostetises after sexual relation, but she had reached menopause (Ya'isa), or if she was a miner. And if had not reached menopause, she should observe *Iddah* as will be explained in the rules of 'divorce'. And it is commonlly held that if she becomes a Muslim during her *Iddah*, her marriage remains intact. However, it is improbable that this should be valid, and therefore, precaution should not be aboundond. A *Ya'isa* is a woman who has reached fifty years of age, and because of that advanced age, stops seeing Haidh and does not expect to see it again in her life.

2458. * If a man becomes a *Fitri* apostate after Nikah, his wife becomes haraam for him and she should observe *Iddah* of death in the manner which will be explained in the rules relating to 'divorce'.

2459. * If a man becomes a *Milli* apostate after Nikah, his marriage

becomes void. And if he has not had sexual intercourse with his wife, or if she has reached menopause, or if she is a minor, she need not observe *Iddah*. But if he apostatises after having sexual intercourse with his wife, who happens to be of the age of women who normally have menstrual discharge, she should observe *Iddah* of 'divorce' which will be mentioned under the rules relating to 'divorce'. And it is commonly held that if her husband becomes a Muslim before the completion of her *Iddah*, their marriage remains intact. However, it is improbable that this be correct, but, precaution should not be abandoned.

2460. If the woman imposes a condition at the time of Nikah that her husband will not take her out of the town, and the man also accepts this condition, he should not take her out of that town against her will.

2461. If a woman has a daughter from her former husband, her second husband can marry that girl to his son, who is not from this wife. Also, if a person marries his son to a girl, he himself can marry the mother of that girl.

2462. * If a woman becomes pregnant as a result of fornication or adultery, it is not permissible for her to have an abortion.

2463. * If a man commits fornication with a woman who has no husband, nor is she in any *Iddah*, and later marries her, and a child is born to them, and they do not know whether the child is the outcome of legitimate relation or otherwise, the child will be considered legitimate.

2464. * If a man does not know that a woman is in her *Iddah* and marries her, and if the woman, too, does not know (that she is in her *Iddah*) and a child is born to them, the child is legitimate and according to Shariah belongs to both of them. However, if the woman was aware that she was in her *Iddah*, and that during Iddah marriage is not permissible, the child according to Shariah belongs to the father, and in either case their marriage is void, and they are haraam for each other.

2465. * If a woman says that she has reached menopause, her word may not be accepted, but if she says that she does not have a husband, her word

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is acceptable, except when she is known to be unreliable, in which case, investigation will be necessary.

2466. * If a man marries a woman after her assertion that she does not have a husband, and if some one claims later that she was his wife, his claim will not be heeded unless it is proved to be true according to Shariah laws.

2467. * Until a son or a daughter completes two years of his/her age, his/her father cannot separate him/her from his/her mother. And as a precaution, a child should not be separated from its mother till it is seven years of age.

2468. * If a person proposing marriage is known for his virtues and faith, then it is recommended that his proposal should not be rejected. The Prophet (s.a.w.a.) is reported to have said: *Whenever you receive a proposal for marriage on your daughter from a man whose virtue and piety pleases you, then give her hand in his in marriage. For if you do not do this way, great scandals and lapses will fill the earth*.

2469. * If a woman compromises her Mahr with her husband, on a condition that he will not marry another woman, it is obligatory upon him that he does not marry another woman, and that the wife should not claim her Mahr.

2470. If an illegitimate person marries, and a child is born to him, that child is legitimate.

2471. If a man has sexual intercourse with his wife during fast in the month of Ramadhan or when she is in her menses, he commits a sin, but if a child is conceived, it is legitimate.

2472. If a woman who is sure that her husband died while on a journey, marries another man after completing the *Iddah* of death, (which will be explained in the rules relating to 'divorce') and later her first husband returns from journey, she should immediately separate herself from her second husband, and she will be halal for her first husband. But, if the second

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husband has had sexual intercourse with her, she should observe *Iddah* and the second husband should give her proper Mahr equal to that of the women similar to her

category, but she is not entitled to subsistence during *Iddah*.

Rules Regarding Suckling a Child

2473. * If a woman suckles a child with the conditions which will be mentioned in rule 2483, that child becomes Mahram of the following persons:
(i) The woman herself (i.e. the woman who suckles it) and she is called *Riza'i* mother (milk mother).
(ii) The husband of the woman (for the milk belongs to him); he is called *Riza'i* father (milk father).
(iii) Father and mother of that woman and all in their upward line, even if they are milk father and milk mother.
(iv) The children born of that woman, or those who are born to her later.
(v) The children of the children of that woman, however low, regardless of whether they are born of her children or her children had suckled them.
(vi) The sister and brother of that woman, even if they are her milk sister and milk brother.
(vii) Paternal uncle and paternal aunt of that woman, even if they are by milk, i.e. suckling.
(viii) Maternal uncle and maternal aunt of that woman, even if they are by milk i.e. suckling.
(ix) The descendants of the husband of that woman, (to whom milk belongs) even if they may be his milk children.
(x) Father and mother of that husband (to whom milk belongs), however high.
(xi) Sister and brother of the husband, (to whom milk belongs) even if they may be his milk sister and brother.
(xii) Paternal uncle and paternal aunt and maternal uncle and maternal aunt of the husband, (to whom milk belongs) however high, even if they are his milk uncles and aunts.

There are other persons also (details regarding whom will be given in the following rules) who become Mahram on account of sucking milk.

2474. If a woman suckles a child with the condition which will be mentioned in rule 2483, the father of the child cannot marry the daughters of that woman, but it is permissible for him to marry her milk daughters, although the recommended precaution is that he should not marry them. Moreover, he cannot marry the daughters of the husband also (to whom milk belongs), even if they may be his milk daughters. And if any one of them happens to be his wife already, his marriage becomes void.

2475. If a woman suckles a child with the conditions mentioned in rule 2483, the husband of that woman (to whom milk belongs) does not become Mahram of the sisters of that child, but the recommended precaution is that he should not marry them. Also, the relatives of the husband do not become Mahram of the sister and brother of that child.

2476. If a woman suckles a child, she does not become Mahram of the brothers of that child. Moreover, the relatives of that woman do not become Mahram of the brother and sister of the child suckled by her.

2477. If a person marries a woman who has suckled a girl fully, and if he has had sexual intercourse with her, he cannot marry that milk girl.

2478. If a person marries a girl, he cannot marry the woman who has suckled her fully.

2479. A man cannot marry a girl who has been suckled fully by his mother or paternal grandmother. Also, if his step-mother suckles a girl from the milk belonging to his father, he cannot marry that girl. And if a person contracts Nikah with a suckling girl, and thereafter, his mother or his paternal grandmother or his step-mother suckles that girl, the Nikah becomes void.

2480. A man cannot marry a girl who has been suckled fully by his sister, or by his brother's wife. And the position is the same if that girl is suckled by that man's niece (sister's daughter or brother's daughter) or the granddaughter of his sister or the granddaughter of his brother.

2481. If a woman suckles the child of her daughter i.e. her granddaughter,

or grandson, the daughter will become haraam for her own husband, and the same applies if she suckles the child of the husband of her daughter from another wife. But if a woman suckles the child of her son, the wife of her son who is the mother of the suckling child, does not become haraam for her husband.

2482. If the step mother of a girl suckles the child of her husband, with the milk that belongs to the girl's father, the girl becomes haraam for her husband regardless of whether the child is the offspring of that very girl or of some other woman.

Conditions of Suckling Which Causes to be Mahram

2483. The following are the eight conditions under which suckling child becomes the cause of being Mahram.
(i) That the child sucks the milk of a woman who is alive. It is of no consequence if milk is drawn from the breast of a woman who is dead.
(ii) That the milk of the woman should not be the product of fornication or adultery. Hence, if the milk for an illegitimate child is breastfed to another child, the latter will not become Mahram of anyone.
(iii) That the child sucks milk directly from the breasts of the woman. Hence, if milk is poured into its mouth, it has no consequence.
(iv) That the milk be pure and unadulterated.
(v) That the milk be of one husband only. Hence, if a breast-feeding woman is divorced and then she marries another man by whom she becomes pregnant, if the milk of the first pregnancy still continues from the breast till she gives birth to the other child, and she feeds any child eight times with the milk from her first pregnancy before giving birth, and feeds the same child seven times with the milk from the second pregnancy, after giving birth, that child will not become Mahram of anyone.
(vi) That the child does not throw up the milk due to illness. If it vomits the milk, the suckling has no effect.

(vii) The suckling should be of such quantity that it could be said that the bones of the child were strengthened and the flesh allowed to grow. And if that cannot be ascertained, then if a child suckles for one full day

and night, or if it suckles fifteen times to its fill, as will be explained later, it will be sufficient. But if it is known that in spite of the child having suckled for one full day and night, or for fifteen times, the milk has not had any effect on the bones and the growth of flesh of the child, then one should not ignore exercising the precaution.

(viii) That the child should not have completed two years of his age, and, if it is suckled after it has completed two years of its age, it does not become Mahram of anyone. In fact, if, for example, it sucks milk eight times before completing its two years, and seven times after completing its two years, it does not become Mahram of anyone. But, if milk continues from the breast for more than two years since a woman gave birth to her child, and she suckles the child continuously, that child will become Mahram of those who have been mentioned above.

2484. It is necessary that the suckling child should not have taken any other food, or sucked milk from any other person, during one full day and night. However, it it takes very little food, so little that one may not say that it has taken any food in between, there is no harm in it. Also, it should have suckled the milk of only one woman fifteen times, and during these fifteen times, it should not have sucked the milk of any other woman. And it should have sucked milk every time without a gap, though, if while suckling milk it pauses to breathe, or waits a little, in a manner that from the time it started till the end, it is taken as one suckling, there is no objection.

2485. If a woman suckles a child from the milk of her husband, and when she later marries another man, suckles another child from the milk of her second husband, those two children do not become Mahram of each other, although it is better that they do not marry each other.

2486. If a woman suckles several children from the milk of one husband, all of them become Mahram of one another, as well as of the husband, and of the woman who suckled them.

2487. If a man has more than one wife, and every one of them suckles a child in accordance with the conditions mentioned above, all those children become Mahram of one another, as well as of that man, and of all those wives.

2488. If a man has two nursing wives, and if, for example, one of them suckles the child eight times and the other suckles it seven times, the child does not become Mahram of any one of them.

2489. If a woman gives full milk to a boy and a girl from the milk of one husband, the sisters and brothers of that girl will not become Mahram of the sisters and brothers of that boy.

2490. * A man cannot marry without the permission of his wife, those women who became her nieces (sister's daughter or brother's daughter) owing to the suckling of milk. Also, if a person commits sodomy with a boy, he cannot marry his milk daughter, sister, mother and paternal grandmother by means of sucking milk. This rule applies also in the situation where an active partner in sodomy is not baligh, or when the passive partner is baligh.

2491. A woman who suckles the brother of a person, does not become Mahram of that person, although the recommended precaution is that he should not marry her.

2492. * A man cannot marry two sisters even if they may be milk sisters, that is, they have become sisters by means of suckling milk. If he marries two women and understands later that they are sisters, if he married them at one and the same time, both the Nikah will be void. But if he did not marry them at one time, the first marriage will be valid, and the second will be void.

2493. * If a woman suckles the following persons from her husband's milk, her husband does not become haraam for her, although it is better to observe precaution.
(i) Her own brother and sister.
(ii) Her own paternal uncle and paternal aunt, and maternal uncle and maternal aunt.
(iii) The descendants of her paternal uncle and her maternal uncle.
(iv) Her nephew (brother's son).
(v) Brother or sister of her husband.

(vi) Children of her sister, or children of her husband's sister.
(vii) Paternal uncle and paternal aunt and maternal uncle and maternal aunt of her husband.
(viii) Grand children of another wife of her husband.

2494. If a woman suckles the paternal aunt's daughter, or maternal aunt's daughter of a man, she (the woman who suckles) does not become Mahram of that man. However, the recommended precaution is that he should refrain from marrying that woman.

2495. If a man has two wives, and one of them suckles the paternal uncle's son of the other wife, the wife who suckled does not become haraam for her husband.

How To Breast Feed A Child

2496. The child's mother is the best person to suckle a child. It is better that she does not claim any award from her husband for suckling the child, although it is good that he should reward her for that. However, if the mother demands more payment for suckling than a wet-nurse, her husband can entrust the child to the wet-nurse.

2497. It is recommended that the wet-nurse, whose services are obtained for a child, should be Shia Ithna-Asheri, sane, chaste, and good looking; and it is Makrooh for a wet-nurse to be a non-Shia Ithna-Asheri or ugly, ill-humoured or illegitimate. It is also Makrooh to entrust the child to a wet-nurse who has given birth to an illegitimate child.

Miscellaneous Rules Regarding Nursing a Child

2498. * It is recommended that a woman avoids suckling any and every child, because it is possible that she may forget as to which of them she has suckled, and later the two persons, who are Mahram to each other, may contract marriage.

2499. It is recommended, if possible, that a child is suckled for full 21 months. And it is not preferred that it be suckled for more than two years.

2500. * If the right of the husband is not in any way violated by suckling, a wife may suckle the child of another person without the permission of her husband.

2501. * If a man contracts Nikah with a suckling girl, and the wife of that man suckles her, then it is considered that the wife becomes the mother-in-law of her husband, and therefore, becomes haraam for him. Although this consideration is not free from Ishkal, yet precaution should not be ignored.

2502. * If a person wants that his sister-in-law (his brother's wife) may become his Mahram, he may contract a temporary Nikah with a suckling girl, for example, for two days, and during those two days, the wife of his brother may suckle that girl as mentioned in rule no. 2483. By so doing, she will become his mother-in-law, and thus be Mahram. But if the woman suckles the girl from his brother's milk, it is a matter of Ishkal.

2503. If a man says before marrying a woman, that the woman he is marrying is his milk sister, she is haraam for him, if his statement is verified as true. And if he says this after the marriage, and the woman also confirms his word, the marriage is void. Hence, if the man has not had sexual intercourse with her, or has had sexual intercourse but at the time of sexual intercourse the woman knew that she was haraam for him, she is not entitled to any Mahr. And if she learns after sexual intercourse that she was haraam for the man, the husband should pay her Mahr according to the usual Mahr of other women like her.

2504. If a woman says, before marriage, that she is haraam for a man because she is his milk sister, and if it is possible to verify her statement as true, she cannot marry that man. And if she says this after marriage, it is like the man saying after marriage that the woman is haraam for him, and the rule in this situation has been given in the foregoing clause.

2505. * Suckling a child, which becomes the cause of being Mahram, can be established by the following two ways:
(i) Information in this behalf by a number of persons whose word is reliable.

(ii) Two just men testify to this fact. It is, however, necessary that they should also mention the conditions of suckling the child. For example, they should be able to say, *We have seen the child for twenty four hours, sucking milk from the breasts of a*

woman, and during this time he has not eaten anything else. And similarly, they should also narrate in detail, the conditions which have been mentioned in rule no. 2483. Witness by one man or two or four women, even if they are *Adil*, is a matter of Ishkal for establishing that the child has suckled from a particular woman.

2506. If it is doubted whether or not a child has sucked the quantity of milk which becomes the cause of becoming Mahram, or if it is considered probable that it might have sucked that quantity of milk, the child does not become Mahram of anyone, though it is better to observe precaution.

Divorce

2507. * A man who divorces his wife must be adult and sane, but if a boy of ten years of age divorces his wife, precaution must be exercised. Similarly, a man should divorce of his own free will, therefore, if someone compels him to divorce his wife, that divorce will be void. It is also necessary that a man seriously intends to divorce; therefore, if he pronounces the formula of divorce jokingly, the divorce will not be valid.

2508. It is necessary that at the time of divorce, wife is *Pak* from Haidth and Nifas, and that the husband should not have had sexual intercourse with her during that period.

2509. * It is valid to divorce a woman even if she is in Haidh or Nifas in the following circumstances:
(i) If the husband has not had sexual intercourse with her after marriage.
(ii) If it is known that she is pregnant. And if this fact is not known and the husband divorces her during Haidh, and he comes to know later that she was pregnant, that divorce will be valid, and as a recommended precaution he should divorce her again.
(iii) If due to the husband's absence or imprisonment, he is not able to ascertain whether or not she is *Pak* from Haidth or Nifas. But in this case, as an obligatory precaution, man must wait for at least one month after separation from his wife and then divorce.

2510. If a man thinks that his wife is *Pak* from Haidh and divorces her, but it transpires later that at the time of divorce she was in the state of Haidh, the divorce is void. And if he thinks that she is in the state of Haidh and divorces her, and it is later known that she was *Pak*, the divorce is in order.

2511. * If a person who knows that his wife is in Haidh or Nifas, is separated from her, like when he proceeds on a journey, and wishes to divorce her, he should wait till such time when he becomes sure that his wife must have become *Pak* from her Haidh or Nifas. Thereafter, having known that she is *Pak*, he can divorce her. And if he is in doubt he will act according to rule no. 2509 for precaution.

2512. * If a man who is separated from his wife wishes to divorce her and can acquire

information as to whether or not she is in the state of Haidh or Nifas, even if that information is based on her habit, or any other signs known in Shariah, if he divorces her and later finds out that his information was wrong, the divorce will be void.

2513. * If a man has sexual intercourse with his wife during her *Pak* period, and then wishes to divorce her, he should wait till she enters into Haidh again and becomes *Pak*. But if the wife has not completed her ninth year, or if she is pregnant, she can be divorced after the sexual intercourse. The same rule applies to a wife in menopause. The meaning of menopause has been explained in rule no. 2457).

2514. * If a person has sexual intercourse with a woman during her *Pak* period and divorces her during the same period, and if it transpires later that she was pregnant at the time of divorce, the divorce will be void. As a recommended precaution, he should divorce her again.

2515. * If a person had sexual intercourse with his wife during her *Pak* period, and then separated from her, like, if he proceeded on journey and wishes to divorce her then, not knowing whether she is *Pak* or not, he should wait till such time when the wife enters into the state of Haidh and becomes *Pak* once again. And, as an obligatory precaution, this period should not be less than one month.

2516. * If a man wishes to divorce his wife who does see blood of Haidh at all by habit, or because of some disease, while other women of her age habitually see Haidh, he should refrain from having sexual intercourse with her for three months from the time he has had the intercourse, and then divorce her.

2517. * It is necessary that the formula of divorce is pronounced in correct Arabic using the word *Taliq* and two just ('*Adil*) persons should hear it. If the husband wishes to pronounce the formula of divorce himself and his wife's name is, for example, Fatima, he should say: Zawjati Fatima taliq (i.e. my wife Fatima is divorced) and if he appoints another person as his Wakil to pronounce the formula of divorce, the Wakil should say: Zawjatu muwakkili Fatima taliq (Fatima, the wife of my client is divorced). And if the woman is identified, it is not necessary to mention her name. And if the husband cannot pronounce divorce in Arabic, or cannot find a Wakil to do so, he can divorce in any language using the words of the same meaning as in Arabic formula.

2518. There is no question of of divorce in the case of a woman with whom temporary marriage is contracted, for example, for one month or one year. She becomes free when the period of her marriage expires or when the man forgoes the period of her marriage by saying: "I hereby exempt you from the remaining time of marriage", and it is not necessary to have a witness nor that the woman should be *Pak* from her Haidh.

Iddah of Divorce (The Waiting Period after Divorce)

2519. A wife who is under nine and who is in her menopause will not be required to observe any waiting period. It means that, even if the husband has had sexual intercourse with her, she can remarry immediately after being divorced.

2520. * If a wife who has completed nine years of her age and is not in menopause, is divorced by her husband after sexual intercourse, it is necessary for her to observe the waiting period of divorce. The waiting period of a free woman is that after her husband divorces her during her *Pak* period, she should wait till she sees Haidh twice and becomes *Pak*. Thereafter, as soon as she sees Haidh for the third time, her waiting period will be over and she can marry again. If, however, a husband divorces his wife before having sexual intercourse with her, there is no waiting period for her and she can marry another man immediately after being divorced, except if she finds traces of her husband's semen in her private part, then she should observe *Iddah*.

2521. If a woman does not see Haidh in spite of being the age of women who normally see Haidh, if her husband divorces her after sexual intercourse, she should observe *Iddah* for three months after divorce.

2522. * If a woman whose *Iddah* is of three months, is divorced on the first of a month, she should observe *Iddah* for three lunar months, that is, for three months from the time the moon is sighted. And if she is divorced during the month, she should observe *Iddah* for the remaining days in the month added to two months thereafter, and again for the balance from the fourth month so as to complete three months. For example, if she is divorced on the 20th of the month at the time of sunset and that month is of 29 days, she should observe *Iddah* for nine days of that month and the two months following it, and for twenty days of the fourth month. In fact, the obligatory precaution is that in the fourth month, she should observe *Iddah* for twenty one days so that the total number of the days of the first month and the fourth month comes to thirty.

2523. * If a pregnant woman is divorced, her *Iddah* lasts till the birth or miscarriage of the child. Hence, if, for example, she gives birth to a child one hour after being divorced, her *Iddah* is over. But this is in the case of a legitimate child of the husband who is divorcing. If the pregnancy is illegitimate, and her husband divorces her, the *Iddah* will not be over.

2524. * If a woman who has completed nine years of age, and is not in menopause, contracts a temporary marriage, for example, if she marries a man for a period of one month or a year and the period of her marriage comes to an end, or her husband exempts her from the remaining period, she should observe *Iddah*. If she sees Haidh, she should observe *Iddah* for two periods of Haidh, and cannot marry again during that period. But if she does not see Haidh, then she should refrain from marrying another man for forty five days. And if she is pregnant, she should observe *Iddah* till the birth or miscarriage of the child, or for forty five days and as a recommended precaution, she should wait for whichever period is longer.

2525. The time of the *Iddah* of divorce commences when the formula of

divorce is pronounced, irrespective of whether the wife knows about it or not. Hence,

if she comes to know after the end of the *Iddah* that she had been divorced, it is not necessary for her to observe *Iddah* again.

Iddah (Waiting Period) of a Widow
2526. If a woman is free and is not pregnant and her husband dies, she should observe *Iddah* (the waiting period) for four months and ten days, that is, she should not marry during that period even if she has entered into menopause or her husband had contracted temporary marriage with her, or he may not have had sexual intercourse with her. If, however, she is pregnant, she should observe the waiting period till the birth of the child. But if the child is born before the end of four months and ten days from the death of her husband, she should wait till the expiry of that period. This period is called the waiting period after death (*Iddatul Wafat*).

2527. It is haraam for a woman who is observing the *Iddah* of death to wear brightly coloured dress, or to use surma and to do any such act which is considered to be an adornment.

2528. * If a woman becomes certain that her husband has died, and marries another man after the completion of *Iddah* of death, and later on learns that her husband had died later, she should separate herself from her second husband. And as a precaution, if she is pregnant, she should observe *Iddah* of divorce for the second husband till she gives birth to a child, and should thereafter observe *Iddah* of death for the first husband. But if she is not pregnant, she should first observe *Iddah* of death for her first husband and thereafter she should observe *Iddah* of divorce for the second husband.

2529. * The *Iddah* of death begins, in the situation when the husband has disappeared or is absent, when the wife learns of his death, and not from the time when he actually died. But this rule does not apply to a wife who has not attained the age of Bulugh, or if she is insane.

2530. * If a woman says that her *Iddah* is over, her word can be accepted unless she is known to be unreliable, in which case, her word will not be accepted. For example, if she claims to have seen blood three times in the

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month, her claim will not be trusted, except when her women relatives confirm that it is her habit.

Irrevocable and Revocable Divorce
2531. * Irrevocable divorce means that after the divorce, the husband is not entitled to take back his wife, that is, he is not entitled to take her as his wife without Nikah. This divorce is of five kinds, namely:
(i) The divorce of a woman who has not completed nine years of age.
(ii) The divorce of a woman who is in menopause.
(iii) The divorce of a woman whose husband has not had sexual intercourse with her after their marriage.
(iv) The third divorce of a woman who has been divorced three times.
(v) The divorce called *Khul'a* and *Mubarat*.

(vi) The divorce by intervention of Mujtahid, in the case of a wife whose husband is neither prepared to maintain her nor to divorce her.
Rules pertaining to these kinds of divorces will be detailed later. Divorces other than these are revocable, in the sense that as long as the wife is observing *Iddah* her husband can take her back.

2532. * When a person has given revocable divorce to his wife, it is haraam for him to expel her out of the house in which she was residing at the time of divorce. However, in certain cases, like, when she has committed fornication or adultery there is no harm in expelling her. Also, it is haraam for the wife to go out of the house unnecessarily, without her husband's permission.

Orders Regarding Return (Ruju')

2533. * In the case of a revocable divorce a man can take back his wife in two ways:
(i) By telling her words which would mean that he wants her again as his wife.
(ii) By acting in a manner which would convey his intention to take her back.
And taking her back will be established by sexual intercourse although the husband may not have intended it. But touching, kissing, with or without intention of taking her back is not sufficient.

2534. It is not necessary for taking her back that the husband should call any person to witness, or should inform his wife. On the other hand if he takes her back without any one else realising this, the Ruju' is in order. However, if the husband claims after the completion of *Iddah* that he took his wife back during *Iddah*, he must prove it.

2535. * If a person who has given revocable divorce to his wife takes some payment from her, making a compromise with her that he will not make Ruju' to her, though this compromise is valid and it is obligatory on him not to 'return', yet he does not forfeit the right to 'return'. And if he 'returns' to her, the divorce given by him does not become the cause of their separation.

2536. * If a man divorces a woman twice and takes her back, or divorces her twice and takes her back by Nikah, or takes her back after one divorce and returns her by Nikah after the second divorce, she becomes haraam for him after the third divorce. But if she marries another man after the third divorce, she becomes halal for the first husband on fulfilment of five conditions, that is, only then he can remarry her:
(i) The marriage with the second person should have been of permanent nature. If he contracts with her a temporary marriage for one month or a year, and then separates from her, the first husband cannot marry her.
(ii) The second husband should have had sexual intercourse with her, and the obligatory precaution is that the sexual intercourse should have taken place in the normal way.
(iii) The second husband divorces her, or dies.
(iv) The waiting period (*Iddah*) of divorce or *Iddah* of death of the second husband should have come to an end.
(v) On the basis of obligatory precaution the second husband should have been Baligh at the time of intercourse.

Khula' Divorce or Talaqul Khula

2537. * The divorce of a wife who develops an aversion from husband and hates him, and surrenders to him her Mahr or some of her property so that he may divorce her, is called *Khula'* Divorce. The hatred must have reached a proportion where she would not allow him conjugal rights.

2538. If the husband himself wishes to pronounce the formula of Khula' divorce and his wife's name is, say, Fatima, he should say after receiving the property: *"Zawjati Fatimatu Khala'tuha 'ala ma bazalat"* and should also say as a recommended precaution: *"Hiya Taliq*" i.e. *"I have given Khula' divorce to my wife Fatima in lieu of what she has given me, and she is free"*. And if the wife is identified, it is not necessary to mention her name in *Talaqul Khula'* and also in *Mubarat* Divorce.

2539. If a woman appoints a person as her representative to surrender her Mahr to her husband, and the husband, too, appoints the same person as his representative to divorce his wife, and if, for instance, the name of the husband is Muhammad and the name of the wife is Fatima, the representative will pronounce the formula of divorce thus: *"An muwakkilati Fatimah bazalat mahraha li muwakkili Muhammad li Yakhla'aha 'alayh"*. Then he says immediately: *Zawjatu muwakkili khala'tuha 'ala ma bazalat hiya Taliq*.
And if a woman appoints a person as her representative to give something other than Mahr to her husband, so that he may divorce her, the representative should utter the name of that thing instead of the word "Mahraha" (her Mahr). For example, if the woman gives $500 he should say: *bazalat khamsa mi'ati Dollar*.

Mubarat Divorce

2540. * If the husband and the wife develop mutual aversion and hatred and the woman gives some property to the man so that he may divorce her, this divorce is called '*Mubarat'*.

2541. * If the husband wishes to pronounce the formula of *Mubarat*, and for example, his wife's name is Fatima he should say: "*Bara'tu zawjati Fatimah 'ala ma bazalat*. And as an obligatory precaution, he must add: *"Fahiya Taliq"*, that is *; my wife Fatima and I separate from each other in consideration of what she has given me. Hence, she is free.* And if he appoints someone as his representative, the representative should say: *"An qibali muwakkili bara'tu zawjatahu Fatimata 'ala ma bazalat Fahiya Taliq"*. And in either case, if he says: *"bima bazalat"*; instead of the words'*"ala ma bazalat"*; there is no harm in it.

2542. * It is necessary that the formula of *Khula'* or *Mubarat* divorce is pronounced in correct Arabic. And if that is not possible, then the rule explained in 2517 will apply. However, if for the sake of giving her property, the wife says in English or any language that:*I give you such and such property in lieu of divorce* it will be sufficient.

2543. If during the waiting period of *Khula* or *Mubarat* divorce the wife changes her mind and does not give her property to the husband, he can take her back as a wife

without Nikah.

2544. The property which the husband takes in *Mubarat* divorce should not exceed the Mahr of the wife. But in the case of Khula' divorce, there is no harm if it exceeds her Mahr.

Various Rules Regarding Divorce

2545. If a man had sexual intercourse with a non-mehram woman under the impression that she was his wife, the woman should observe *Iddah*, irrespective of whether she knew that the man was not her husband or thought that perhaps he was her husband.

2546. * If a man commits fornication with a woman knowing that she is not his wife, it is not necessary for the woman to observe *Iddah*. But if she thought that the man was probably her husband, as an obligatory precaution, she should observe *Iddah*.

2547. * If a man seduces a woman so that her husband decides to divorce her and then she can marry him, the divorce and marriage are in order, but both of them have committed a major sin.

2548. * If a woman lays a condition at the time of Nikah that if her husband goes on a journey or, for example, does not give her maintenance for six months, she will have the right of divorce, the condition is void. However, if she lays a condition that if her husband goes on a journey or, for example, does not give her maintenance for six months, she will be his Wakil for her own divorce, the condition is in order.

2549. If the husband of a woman disappears and she wishes to marry another man, she should approach an 'Adil Mujtahid and act according to his directive.

2550. The father and the paternal grandfather of an insane man can divorce his wife.

2551. If the father or paternal grandfather of a child contracts a temporary marriage between him and a woman, and a part of the period fixed for the marriage covers some of the time when the child will have attained the age of bulugh, for example, if he contracts the marriage of a fourteen years old boy for a period of two years - he (the father or the paternal grandfather of the child) can exempt the woman from a part of the period of marriage if doing so, is in the interest of the child, but he cannot divorce the child's permanent wife.

2552. If a man considers two person to be just ('*Adil*) according to the standard prescribed in Shariah, and divorces his wife in their presence, another person to whom their being '*Adil* is not proved can, after the expiry of that woman's *Iddah*, marry her or give her in marriage to another person, although the recommended precaution is that he should not marry her nor should he give her in marriage to someone else.

2553. If a person divorces his wife without informing her, and he continues to maintain her the way he did when she was his wife, and after a year tells her that he divorced her a year ago, and also proves it, he can take back from her the things

which he supplied her during that period if she has not used them up, but he cannot demand from her the things which she has already expended.

Usurpation (Ghasb)

Usurpation means that a person unjustly seizes the property or right of another person. This is one of the major sins and one who commits it will be subjected to severe chastisement on the Day of Judgement. It has been reported from the Holy Prophet (s.a.w.a.) *"that whoever usurps one span of another's land, seven layers of that land will be put round his neck like a yoke on the Day of Judgement"*.

2554. * If a person does not allow the people to benefit from a mosque, a school, a bridge and other places which have been constructed for the use of the public, he usurps their right. Similar is the case of a person who reserves a place in the mosque for himself and does not allow any other person to use it. And also one who drives that person out from that place commits a sin.

2555. * If it has been mutually agreed by the mortgager and the mortgagee that the mortgaged property will remain with the creditor or with a third party, the mortgager (i.e. the debtor) cannot take it back before having paid the debt. And if he takes, he must return to the creditor immediately.

2556. * If a third person usurps the property which has been mortgaged to a person, the owner of the property as well as the mortgagee can demand from him the thing he has usurped. When the thing is returned from him, it becomes mortgaged again. And if that thing perishes and its substitute is taken, that substitute also becomes mortgaged like the original thing itself.

2557. * If a person usurps a property, he should return it to its owner, and if it is lost he should compensate him for it.

2558. If some benefit accrues from a thing which has been usurped, for example, if a lamb is born of a sheep which has been usurped, it belongs to

the owner. Moreover, if, for example, a person has usurped a house, he should pay its rent even if he does not occupy it.

2559. * If a person usurps something belonging to a child or an insane person, he should return it to his guardian, and if it has been lost he should replace it.

2560. * When two persons usurp a thing jointly, and if they have full control over it, each one of them is fully responsible for the whole of it, even if one of them alone might not have been able to usurp it.

2561. * If a person mixes something usurped by him with another thing, for example, he mixes wheat usurped by him with barley, and if it is possible to separate them, he

should separate them even if it may very difficult to do so, and return the usurped thing to its owner.

2562. * If a person usurps a piece of golden ornament, like an earring and melts it, he should return it with the difference between the value before and after the melting. And if with the object of not paying the difference, he says that he is ready to make it like the original one, the owner is not obliged to accept the offer. Also, the owner, too, cannot compel him to make it like the original one.

2563. * If a person changes a usurped thing into something better than before, for example, if he makes an earring from the gold usurped by him, and the owner asks him to give it to him in the same (i.e. changed) form, he should give it to him in that form. He cannot claim any charges from the owner for his labour. Similarly, he has no right to give him the thing in its original form without his permission, and if he gives the thing in its original form without his permission, or changes it into another shape, it is not known whether he will be responsible for the difference in the value.

2564. If a person changes the thing usurped by him in such way that it becomes better than its original form, but its owner asks him to change it back to its original condition, it will be obligatory on him to do so. And if due to the change, its value decreases, he should pay the difference in the

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value to the owner. Therefore, if he makes an earring from the gold usurped by him and its owner asks him to change it back to its original shape, and if after melting it, its value becomes less than what is originally was before making the earring, he should pay the difference.

2565. If a person usurps a piece of land and cultivates or plants trees on it, the crop and the trees and their fruits are his own property, and if the owner of the land is not agreeable to the crops and the trees remaining on his land, the person who has usurped the land, should pull them out immediately even if he may suffer loss for that. Also, he should pay rent to the owner of the land for the period the crop and the trees remained on his land, and should also make up for the damage done to the land, like, he should fill up the holes from which the trees are pulled out. And if the value of land decreases because of that, he should compensate. Moreover, he cannot compel the owner of the land to sell it or lease it out to him, nor can the owner of the land compel him to sell the trees or crops to him.

2566. If the owner of the land agrees to the crops and trees remaining on his land, it is not necessary for the usurper of the land to pull them out. However, he should pay the rent of the land from the time he usurped it till the time the owner of the land agreed to the trees and crops remaining on it.

2567. * If a thing usurped by a person perishes and if it is like a cow or a sheep, the price of each one of which differs on account of individual characteristics, the usurper should pay its price; and if its market value has undergone a change on the grounds of demand and supply, he should pay the cost which was at the time it perished. And the recommended precaution is that he should pay its highest price from the time it was

usurped till the time it perished.

2568. If the thing usurped by a person which has perished is like wheat and barley, whose prices do not differ due to individual specifications, he (the usurper) should pay a thing which is similar to the one usurped by him. However, the quality of that replacement should be the same as of the thing which has been usurped and has perished. For example, if he has usurped rice of superior quality, he cannot replace it with rice of inferior quality.

2569. * If a person usurps something like a sheep and if it perishes, and if its market price has not changed but during the time it was with him it became fat, the usurper should pay the price of a fat sheep.

2570. If the thing usurped by a person is usurped from him by another person and it perishes, the owner of the thing can take its compensation from any one of them, or can demand a part of the compensation from each of them. And if he takes compensation for the thing from the first usurper, the first usurper can demand whatever he has given from the second usurper. But if he is compensated by the second usurper, that second usurper cannot demand what he has given, from the first usurper.

2571. If one of the conditions of transaction is not present at the time of sale; for example, if a thing which should be purchased and sold by weight is sold without being weighed, the contract is void. And if the seller and the buyer accept the deal irrespective of the mode of transaction, there is no harm in it. Otherwise, the things taken by them from each other will be treated as usurped property and should be returned to each other. And if the property of each of them perishes while in the custody of the other, he should pay compensation for it regardless of whether or not he knows that the transaction was void.

2572. * If a person takes some thing from a seller so that he may see and check it, or may keep it with him for sometime so that he may purchase it, if he likes it, and if that property perishes, he should pay compensation for it to its owner.

Rules of the Lost Property When Found

2573. * Any lost property other than an animal, which does not bear any sign by means of which it may be possible to locate its owner, irrespective of whether its value is less than a dirham (12.6 chickpeas of coined silver) or not, can be kept for himself by one who finds it, but the recommended precaution is that he gives it away as Sadaqah on behalf of the owner, whoever he may be.

2574. * If a person finds a property whose value is less than a dirham, and if its owner is known, and the person who finds it does not know whether or not the owner would

be happy about it, he cannot pick it up without his (i.e. the owner's) permission. And if its owner is not known, the person who finds should, as an obligatory precaution, give it away as Sadaqah on behalf of the owner, whoever he may be. And when the owner is found, the replacement should be given to him if he does not approve the Sadaqah given on his behalf.

2575. * If a person finds something which bears a sign by means of which its owner can be located, and even if he comes to know that its owner is a non-Muslim whose property must be protected, and if the value of that thing reaches one dirham, he should make an announcement about it at the place of gathering of the people for one year from the day on which he finds that thing.

2576. If a person does not wish to make an announcement himself, he can ask another reliable person to make the announcement, on his behalf.

2577. * If the person who finds such a thing makes announcement for one year, but the owner of the property does not turn up he should act as follows:

(i) If he has found that thing at a place other than the Haram of Makkah, he can retain it on behalf of the owner, so that he may give it to him when he

appears, or give it as Sadaqah to the poor on behalf of the owner. As an obligatory precaution, he should not keep it for himself.
(ii) If he has found that thing in the Haram, the obligatory precaution is that he should give it away as Sadaqah.

2578. * If the person makes announcement for one year and the owner of the property does not turn up, and he continues to care for it on behalf of its owner, and in the meantime it is lost, he will not be responsible for the loss if he has not been negligent nor over cautious about it. And if he gave it as Sadaqah on behalf of the owner, then the owner will have an option either to approve the Sadaqah or demand its replacement. And the thawab for the Sadaqah will go to him who gave the Sadaqah.

2579. * If a person finds a property, and purposely does not make an announcement according to the rules mentioned above, he commits a sin, and at the same time remains wajib on him to make an announcement if he thinks it can be helpful.

2580. * If an insane person or a child who is not Baligh finds something which bears a sign and is worth one dirham, his guardian can make an announcement. In fact, it is obligatory upon him to announce if he has taken its possession from the child or the insane person. And if the owner is not found even after having announced for a year, he should act as rule no. 2577.

2581. * If during the year in which a person has been making an announcement (about something having been lost and found) he loses all hope of finding the owner, he should give it away as Sadaqah with the permission of the Mujtahid.

2582. * If the property is lost during the year in which he has been making an

announcement, and he has been negligent in caring for it, or has been over cautious, he will be responsible to the owner for replacement, and should also continue announcing. But if he has not been negligent nor over cautious, it is not obligatory for him to pay anything.

2583. * If the property which bears a mark, and has value equal to one dirham, is found at a place where it is known that the owner of the property will not be found by means of announcement, he should give it to the poor persons as Sadaqah on behalf of the owner on the very first day with the permission of the Mujtahid, and he should not wait till the year ends.

2584. * If a person finds a thing and possesses it under the impression that it is his own property, but learns later that it is not his property, he should act as outlined in the foregoing rule.

2585. * The announcement for the lost article should be made in such a way that the owner, if he hears it, would be drawn to investigate if the thing is his. And this differs in every situation. For example, at times it may be sufficient to declare that an article has been found, and at times, it is important to define it, like, saying that a piece of gold is found. Further still, it may be necessary to say that an earring of gold has been found, and so on. But in all cases, total description should not be given so that it is not identified fully.

2586. If a person finds something and another person claims that it is his, and also mentions certain marks of identification, the former should give that thing to him only if he is satisfied that it belongs to him. It is not necessary for the latter to mention the marks of which mostly even the owners do not take notice.

2587. If the value of a thing which a person finds is equal to one dirham, and he does not make an announcement about it, but leaves it in the mosque or at places of general assembly, and the thing is lost or somebody picks it up, the person who found the thing will be responsible.

2588. * If a person finds a thing which is perishable, he should keep it for as long as it does not perish, and as an obligatory precaution, announce about it, and if he does not find the owner, as a precaution, he should fix its value with the permission of the Mujatahid or his Wakil and sell it, keeping the money with him. In the meantime, he should continue with the

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announcement till one year, and if the owner is not found, he will act as explained in rule no. 2577.

2589. * If the thing found by somebody is with him at the time of performing Wudhu and offering prayers, and if he has no intention of returning it to its owner if he is found, his Wudhu and prayers do not become void.

2590. If a pair of shoes of a person is taken away and is replaced by another pair of shoes, and he knows that the pair of shoes which is now with him belongs to a certain person who would not mind if he took his shoes instead of his own, he can take them. Similar rule applies if he knows that he has been unjustly robbed of his shoes; but in this particular case, the value of shoes left behind must not exceed the value of his own shoes, otherwise the difference of the price will be treated as article whose owner is unknown. And in any other situation other than the two mentioned herein, the shoes will be considered as articles of unknown ownership.

2591. * If a man has some property of 'unknown ownership' that is, its owner is not known and if it cannot be classified as lost, he is allowed to use it in a manner that would be agreeable to the owner, provided that he is sure that the owner will have no objection in principle. Otherwise, he must try to find the owner, and continue doing so for as long as he thinks it useful. And when he despairs, he should, with the permission of the Mujtahid, give it away as Sadaqah to the poor. If the owner later on turns up, and if he does not approve the Sadaqah which was given, as a precaution, he must give him a replacement.

Slaughtering and Hunting of Animals

2592. * If an animal whose meat is halal to eat, is slaughtered in the manner which will be described later, irrespective of whether it is domesticated or not, its meat becomes halal and its body becomes *Pak* after it has died. But camels, fish and locust become halal without their heads being slaughtered, as will be explained later.

2593. If a wild animal like deer, partridge and wild goat whose meat is halal to eat, or a halal animal which was a domestic one but turned wild later, like, a cow or a camel which runs away and becomes wild, is hunted in accordance with the laws which will be explained later, it is *Pak* and halal to eat. But, a domestic animal like sheep and fowl whose meat is halal to eat, or tamed wild animal whose meat is halal to eat does not become *Pak* and halal by hunting.

2594. A wild animal whose meat is halal to eat becomes *Pak* and halal to eat by hunting if it is capable of running away or flying. Based on this, the young one of a deer which cannot run away, and the young one of a partridge which cannot fly, do not become *Pak* and halal to eat by hunting. And if a deer and its young one which cannot run are hunted with one bullet, the deer will be halal but its young one will be haraam to eat.

2595. If an animal like fish, whose meat is halal to eat and whose blood does not gush, dies a natural death, it is *Pak* but its meat cannot be eaten.

2596. The dead body of an animal whose meat is haraam to eat, and whose blood does not gush, like, a snake, is *Pak* but does not become halal by slaughtering.

2597. * Dogs and pigs do not become *Pak* by slaughtering and hunting and it is also haraam to eat their meat. And if a flesh-eating animal like wolf and leopard is slaughtered in the manner which will be mentioned later, or is

hunted by means of bullet etc. it is *Pak*, but its meat does not become halal for consumption. And if it is hunted down by a hunting dog, then its body cannot be considered as *Pak*.

2598. Elephant, bear, monkey are classified as predators. But the insects or the small animals who live in the holes, like, mice, lizards, if they have gushing blood, their meat and skin will not be considered *Pak* if they are slaughtered or hunted down.

2599. If a dead young is born from the body of a living animal, or is brought out of it, it is haraam to eat its meat.

Method of Slaughtering Animals

2600. * The method of slaughtering an animal is that the four main arteries of its neck should be completely cut (jugular artery, foodpipe, jugular vein and windpipe). It is not sufficient to split open these arteries or to cut off the neck. And the cutting of these four main arteries becomes practical when the cutting takes place from below the knot of the throat.

2601. If a person cuts some of the four arteries and waits till the animal dies and then cuts the remaining arteries, it will be of no use. If the four arteries are cut before the animal dies, but the cutting was not continuous as is usually done, the animal is *Pak* and halal to eat. However, the recommended precaution is that they should be cut in continuous succession.

2602. * If a wolf tears off the throat of a sheep in such a way that nothing remains of the four arteries which could be cut for slaughter, the sheep becomes haraam. Similarly, it will be haraam if nothing remains of its gullet. In fact, if its neck is torn open by the wolf leaving arteries connected with the head or the body, as a precaution, it will be haraam. But if the sheep is bitten on other part of the body, and it remains alive, it will be *Pak* and halal if slaughtered according to the rules which will be described later.

Conditions of Slaughtering Animals

2603. * There are certain conditions for the slaughtering of an animal. They are as follows:-

(i) A person, a man or a woman, who slaughters an animal must be a Muslim. An animal can also be slaughtered by a Muslim child who is mature enough to distinguish between good and bad, but not by non-Muslims other than Ahle Kitab, or a person belonging to those sects who are classified as Kafir, like, Nawasib - the enemies of Ahlul Bait (A.S.). In fact, even if Ahle Kitab non-Muslim slaughters an animal, as per precaution, it will not be halal, even if he utters 'Bismillah'.
(ii) The animal should be slaughtered with a weapon made of iron. However, if an implement made of iron is not available, it should be slaughtered with a sharp object like glass or stone, so that the four veins are severed, even if the slaughtering may not

be necessary, like when the animal is on the verge of death.
(iii) When an animal is slaughtered, it should be facing Qibla. If the animal is sitting or standing, then facing Qibla would be like a man standing towards Qibla while praying. And if it is lying on its right or left side, then its neck and stomach should be facing Qibla. It is not necessary that its legs, hands and face be towards Qibla. If a person who knows the rule, purposely ignores placing the animal towards Qibla, the animal would become haraam; but if he forgets or does not know the rule, or makes a mistake in ascertaining the Qibla, or does not know the direction of Qibla, or is unable to turn the animal towards Qibla, there is no objection. As a recommended precaution, the person slaughtering should also face Qibla.
(iv) When a person wants to slaughter an animal, just as he makes the Niyyat to slaughter, he should utter the name of Allah, and it suffices if he says 'Bismillah' only, or if he utters 'Allah'. But if he utters the name of Allah without the intention of slaughtering the animal, the slaughtered animal does not become *Pak* and it is also haraam to eat its meat. And if he did not utter the name of Allah forgetfully, there is no objection.
(v) The animal should show some movement after being slaughtered; at least it should move its eyes or tail or strike its foot on the ground.This law applies only when it is doubtful whether or not the animal was alive at the time of being slaughtered, otherwise it is not essential.
(vi) It is necessary that the blood should flow in normal quantity from the slaughtered animal. If someone blocks the vein, not allowing blood to

flow out, or if the bleeding is less than normal, that animal will not be halal. But if the blood which flows is less because the animal bled profusely before the slaughter, there is no objection.
(vii) The animal should be slaughtered from its proper place of slaughtering; on the basis of recommended precaution, the neck should be cut from its front, and the knife should be used from the back of the neck.

2604. * As a precaution, it is not permissible to sever the head of the animal from its body before it has died, though this would not make the animal haraam. But if the head gets severed because of sharpness of the knife, or not being attentive, there is no objection. Similarly, it is not permissible to slit open the neck and cut the spinal cord before the animal has died.

Method of Slaughtering a Camel

2605. * If one wants to slaughter a camel so that it becomes *Pak* and halal after it has died, it is necessary to follow the above mentioned conditions for slaughter and then thrust a knife or any other sharp implement made of iron into the hollow between its neck and chest. It is better that the camel at that time is standing. But if it has knelt down, or if it is lying on its side with its face towards Qibla, the knife etc. can be thrust into the hollow of its neck for slaughtering.

2606. If a camel's head is cut instead of thrusting a knife into the depth of its neck, or if knife is thrust into the depth of the neck of a sheep or a cow etc. as is done in the case of a camel, it is haraam to eat their meat and their body is Najis. However, if the four arteries of the camel are cut first and a knife is then thrust into the depth of its

neck, in the manner stated above, while it is still alive, it is halal to eat its meat and its body is *Pak*. Similarly, if a knife is first thrust into the depth of the neck of a cow, sheep etc. and then its head is cut while it is still alive, it is *Pak* and its meat is halal to eat.

2607. * If an animal becomes unruly, and one cannot slaughter it in the manner prescribed by Shariah or, if, it falls down into a well and one feels that it will die there and it will not be possible to slaughter it according to Shariah, one should inflict a severe wound on any part of its body, so that it dies as a result of that wound. Then it becomes *Pak* and halal to eat. It will

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not be necessary that it should be facing Qibla at that time but it should fulfil all other conditions mentioned above regarding slaughtering of animals.

Mustahab Acts While Slaughtering Animals

2608. * The Fuqaha, may Allah bless them with His Pleasure, have enumerated certain Mustahab acts for slaughtering the animals:
(i) While slaughtering the sheep (or a goat), both of its hands and one foot should be tied together and the other foot should be left free. As for a cow, its two hands and two feet should be tied and the tail should be left free. And in the case of a camel, if it is sitting, its two hands should be tied with each other from below up to its knees, or below its armpits, and its feet should be left free. And it is recommended that a bird should be left free after being slaughtered so that it may flap its wings and feathers.
(ii) Water should be placed before an animal before slaughtering it.
(iii) An animal should be slaughtered in such a way that it should suffer the least, that is, it should be swiftly slaughtered with a very sharp knife.

Makrooh Acts

2609. * In certain Traditions, the following have been enumerated as Makrooh acts while slaughtering the animals:
(i) To slaughter an animal at a place where another animal of its own kind can see it.
(ii) To skin an animal before it has died.
(iii) To slaughter an animal on Friday night (i.e. the night preceding Friday), or on Friday before Zuhr. However, there is no harm in doing so in the case of necessity.
(iv) To slaughter an animal which someone has bred and reared himself.

Hunting with Weapons

2610. * If a halal wild animal is hunted with a weapon and it dies, it becomes halal and its body becomes *Pak*, if the following five conditions are fulfilled:
(i) The weapon used for hunting should be able to cut through, like, a knife or a sword, or should be sharp like a spear or an arrow, so that due to its sharpness, it may tear the body of the animal. If an animal is hunted

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with a trap, or hit by a piece of wood or a stone, it does not become *Pak*, and it is haraam to eat its meat. And if an animal is hunted with a gun and its bullet is so fast that it pierces into the body of the animal and tears it up, the animal will be *Pak* and

halal, but if the bullet is not fast enough and enters the body of the animal with pressure and kills, or burns its body with its heat, and the animal dies due to that heat, it is a matter of Ishkal to say that the animal is *Pak* or halal.
(ii) The hunter should be a Muslim or at least a Muslim child who can distinguish between good and bad. If a non-Muslim, other than Ahle Kitab, or from those sects like, Nawasib - enemies of Ahlul Bait (A.S.) who are classified as Kafir, hunts an animal, the animal is not halal. As a matter of precaution, an animal hunted by Ahle Kitab is also not halal, even if he may have uttered the name of Allah.
(iii) The hunter should aim the weapon for hunting the particular animal. Therefore, if a person takes an aim at some target, and kills an animal accidentally, that animal will not be *Pak* and it will be haraam to eat its meat.
(iv) While using the weapon the hunter should recite the name of Allah, and it is sufficient if he utters the name of Allah before the target is hit. But if he does not recite Allah's name intentionally, the animal does not become halal. There is, however, no harm if he fails to do so because of forgetfulness.
(v) The animal will be haraam if the hunter reaches it when it is already dead, or, even if it is alive, he has no time left to slaughter it. And if he has enough time to slaughter it and he does not slaughter it till it dies, it will be haraam.

2611. * If two persons jointly hunt an animal and if one of them fulfils the requisites while the other does not, like, if one of them utters the name of Allah whereas the other does not do so intentionally, that animal is not halal.

2612. If an animal is shot with an arrow and, if it falls into water and a person knows that the animal has died because of being shot with an arrow, and falling into water, it will not be halal. In fact, if he is not sure that the animal has died only because of being shot with an arrow, it is not halal.

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2613. If a person hunts an animal employing a usurped dog or a usurped weapon, the hunted animal is halal and becomes his property. However, besides the fact that he has committed a sin he should pay the hiring charges for the weapon or dog to its owner.

2614. * If a person using weapons like a sword, cuts off some limbs of animal while hunting, those cut off limbs will be haraam. But if that animal is slaughtered according to the conditions of rule no. 2610, the remaining part of its body will be halal. But if the weapon with the aforesaid conditions cuts the animal into two parts, with head and neck on one part, and the hunter reaches the animal when it is dead, both the parts will be halal. And the same rule applies if the animal is alive at that time, but there is not enough time to slaughter it. However, if there is time for slaughtering it, and it is possible that the animal may live for some time, the part which does not contain head and neck is halal if the animal is slaughtered according to the rules prescribed by Shariah, otherwise that part, too, will be haraam.

2615. If an animal is cut into two parts with a stick or a stone, or another implement with which hunting is not proper, the part which does not contain the head and the neck will be haraam. As for the part which contains the head and neck, if the animal is alive and it is possible that it may live for some time, and it is slaughtered in

accordance with the rules prescribed by Shariah, that part is halal, otherwise that part too, will be haraam.

2616. If an animal is hunted or slaughtered and its young one, which is alive, is taken out of its body, that young one will be halal if it is slaughtered in accordance with Shariah, otherwise it will be haraam.

2617. * If an animal is hunted or slaughtered, and its dead young one is brought out of its body, it will be *Pak* and halal if it had not died before the mother was killed, or it should not have died because of delay in bringing it out from the mother's womb, and provided it is fully developed, with hair or wool grown on its body.

Hunting with a Retriever (Hunting Dog)

2618. * If a retriever hunts a wild animal whose meat is halal to eat, the following six conditions should be fulfilled for its being *Pak* and halal:-
(i) The dog should be trained in such a way that when commanded to catch the prey, it goes and when restrained from going, it stops. But if it does not stop after having come closer to the hunted animal and seen it, there is no harm. And it is necessary that it should have a habit of not eating anything of the prey till its master arrives. In fact, if it has the habit of eating bit of the prey before the master arrives, or drinking its blood, there is no objection.
(ii) It should have been directed by its master. If it hunts of its own accord and preys upon an animal, it is haraam to eat the meat of that animal. In fact, if it follows a prey of its own accord, and later its master calls out to encourage it to reach the prey faster, even if it may quicken its pace because of its master's cry, eating the meat of that prey should be avoided, on the basis of obligatory precaution.
(iii) The person who sends the dog for hunt should be a Muslim, with all the conditions already mentioned in the rules concerning hunting with the weapon.
(iv) The hunter should utter the name of Allah at the time of sending the dog. If he purposely does not utter the name of Allah, the prey is haraam. But if he forgets to utter the name of Allah there is no harm in it.
(v) The prey should die as a result of the wound inflicted by the dog's teeth. Therefore, if the dog suffocates the prey to death, or the prey dies because of running or fear, it is not halal.
(vi) The hunter who sends the dog should reach the spot when the animal is dead, or if it is alive, there should not be enough time to slaughter it. But if he reaches there when there is enough time to slaughter it, yet he does not slaughter it, allowing it to die itself, the prey is not halal.

2619. * When a person who sends the dog reaches the prey when he can slaughter the animal, but the animal dies while he is preparing for the slaughter, like, the delay in taking out the knife, the animal is halal. However, if he does not have anything with which he can slaughter the animal, and it dies, it does not become halal, but if he releases the animal so that the dog may kill it, it will become halal.

2620. If a person sends several dogs, and they jointly hunt an animal, and if all of

them satisfy the conditions mentioned in rule 2618, the prey is halal, but if any one of them does not fulfil those conditions, the prey is haraam.

2621. If a person sends a dog for hunting an animal and that dog hunts another animal, the prey is halal and *Pak*, and if it hunts another animal along with that animal (which it was sent to hunt), both of them are halal and *Pak*.

2622. * If several persons send a dog jointly and one of them does not utter the name of Allah intentionally, that prey is haraam. Also, if one of the dogs sent is not trained in the manner mentioned in rule 2618, the prey is haraam.

2623. If a hawk or an animal besides the hunting dog hunts an animal, the prey is not halal. However, if a person reaches the prey when it is alive, and slaughters it in the manner prescribed by Shariah, it is halal.

Hunting of Fish and Locust

2624. * If a fish with scales is caught alive from water, and it dies thereafter, it is *Pak* and it is halal to eat it, even if the scales are shed off later due to some reasons. And if it dies in the water, it is *Pak*, but it is haraam to eat it. However, it is lawful to eat it if it dies in the net of the fisherman. A fish which has no scales is haraam even if it is brought alive from water and dies out of water.

2625. If a fish falls out of water or a wave throws it out, or the water recedes and the fish remains on dry ground, if some one catches it with his hand or by some other means before it dies, it will be halal to eat it after it dies.

2626. * It is not necessary that a person catching a fish should be a Muslim or should utter the name of Allah while catching it. It is, however, necessary that a Muslim should have seen or ascertained that the fish was brought alive from the water, or that it died in the net in water.

2627. * If a dead fish about which it is not known whether it was caught from water alive or dead, is bought of a Muslim, it is halal, but if it is bought

of a non-Muslim it is haraam even if he claims that he has brought it alive from the water; except when a man feels satisfied that the fish was brought alive from the water or that it died in the net in the water.

2628. It is halal to eat a live fish but it is better to avoid eating it.

2629. If a fish is roasted alive, or is killed out of water before it died itself, it is halal to eat it, but it is better to avoid eating it.

2630. If a fish is cut into two parts out of water, and one part of it falls into water while it is alive, it is halal to eat the part which has remained out of water, and the recommended precaution is that one should refrain from eating it.

2631. If a locust is caught alive by hand or by any other contrivance, it will be halal

after it dies, and it is not necessary that the person catching it should be a Muslim, or should have uttered the name of Allah while catching it. But, if a non-Muslim is holding a dead locust in his hand, and it is not known whether or not he caught it alive, it will be haraam even if he claims that he had caught it alive.

2632. To eat the locust which has not yet developed its wings and cannot fly, is haraam.

Rules of Things Allowed to Eat and Drink

2633. * All birds, like eagle, vultures and wild falcons having a claw and talon, are haraam to eat. And all such birds whose gliding is more than flapping the wings, and have talons, are also haraam to eat. Those whose flapping of the wings while flying, is more than gliding, are halal to eat. Thus, one can identify halal birds from haraam ones by observing how they fly. And if the style of any bird's flight cannot be determined, that bird will be considered halal for eating, if it has a crop or a gizzard or a spur on the back of its feet. In the absence of all these, the bird will be haraam. As an obligatory precaution, one should refrain from eating the meat of all types of crows. Other birds like the hens, the pigeons, the sparrows including the ostrich and the peacock are halal to eat, but it is Makrooh to kill birds like swallows and hoopoes. And the animals which fly, but are not classified as winged birds, like the bats, are haraam; similarly, the bees, the mosquitoes,

and other flying insects are, as an obligatory precaution, haraam.

2634. If a part which possesses life is removed from the body of a living animal, for example, if the fatty tail or some flesh is removed from the body of a living sheep, it is najis and haraam to eat.

2635. * Certain parts of the halal animals are haraam to eat. They are fourteen:
(i) Blood
(ii) Excrement
(iii) and (iv) Male and female genitals
(v) Womb
(vi) Glands
(vii) Testicles
(viii) Pituitary gland, a ductless gland in the brain
(ix) The marrow which is in the spinal cord
(x) The two wide (yellow) nerves which are on both sides of the spinal cord, (as an obligatory precaution).
(xi) Gall bladder
(xii) Spleen
(xiii) Urinary bladder
(xiv) Eye balls
These parts are haraam in all halal animals other than the birds. As for the birds, their blood and excrement is definitely haraam, and apart from these two, the parts enumerated in the above list are haraam, as a measure of precaution.

2636. * It is haraam to drink the urine of all haraam animals, and also of those whose

meat is halal to eat, including, as an obligatory precaution, that of a camel. However, the urine of a camel, a cow or a sheep can be consumed, if recommended for any medical treatment.

2637. * It is haraam to eat earth and also sand, as an obligatory precaution. However, there is no harm in taking Daghistsan or Armenian clay as a medicine if there be no alternative. It is also permissible to take a small quantity of the clay of the Shrine of Imam Husayn (usually called Turbatul Husayn)

for the purpose of cure for illness. But it is better to dissolve a small quantity of Turbatul Husayn in water and then drink it.

2638. It is not haraam to swallow the mucus (liquid running from the nose) and phlegm which may have come in one's mouth. Also, there is no objection in swallowing the food which comes out from between the teeth at the time of tooth picking.

2639. It is haraam to eat an absolutely harmful thing, or anything which may cause death.

2640. * It is Makrooh to eat the meat of a horse, a mule or a donkey. If a person has sexual intercourse with them those animals become haraam, and as a precaution, their offspring become haraam also, and their urine and dung become Najis. Such animals should be taken out of the city and should be sold at some other place. And as for the person who committed the sexual intercourse with the animal, it will be necessary to give its price to the owner. Similarly, if a person commits sexual intercourse with an animal like cow and sheep, the meat of which it is lawful to eat, its urine and excrement become Najis, and it is also haraam to eat their meat, and to drink their milk. As a precaution, same will be the case with their offsprings. Such an animal should be instantly killed and burnt, and one, who has had sexual intercourse with the animal should pay its price to its owner.

2641. * If the kid of a goat or a lamb sucks the milk of a female pig to such an extent that its flesh and bones grow from it and gain strength, itself and its offspring become haraam, and if the quantity of milk sucked by it is less, it will be necessary that it is confined (Istibra) as prescribed in Shariah and thereafter, it becomes halal. And its Istibra is that it should suck *Pak* milk for seven days, or if it does not need milk, it should graze grass for seven days. As an obligatory precaution, this law applies to the calves, and all the young ones of halal animals. Also, it is haraam to eat the meat of an animal which eats najasat and it becomes halal when its Istibra is fulfilled. The manner of observing Istibra has been explained in rule 226.

2642. * Drinking alcoholic beverage is haraam, and in some traditions

(Ahadith), it has been declared as among the greatest sins.

Imam Ja'far Sadiq (A.S.) says: "Alcohol is the root of all evils and sins. A person who drinks alcohol loses his sanity. At that time, he does not know Allah, does not fear committing any sin, respects the rights of no one, and does not desist from committing evil openly. The spirit of faith and piety departs from him and only the impure and vicious spirit, which is far off from the Mercy of Allah, remains in his body. Allah, His angels, His prophets and the true believers curse such a man, and his daily prayers are not accepted for forty days. On the Day of Judgement his face will be dark, and his tongue will come out of his mouth, the saliva will fall on his chest and he will desperately complain of thirst"".

2643. * To eat at a table at which people are drinking alcohol is haraam and similarly, to sit at that table where people are drinking alcohol is haraam, as a precaution, if one would be reckoned among them.

2644. It is obligatory upon every Muslim to save the life of a Muslim, who may be dying of hunger or thirst, by providing him enough to eat or drink.

Eating Manners

2645. * There are certain Mustahab rules to be observed while taking a meal; they are as follows:
(i) Washing both the hands before taking a meal.
(ii) After taking a meal, one should wash one's hands, and dry them with a dry cloth.
(iii) The host should begin eating first, and should also be the last to withdraw his hand. Before starting to take a meal, the host should wash his own hands first, and thereafter, the person sitting on his right should do so. Then the other guests should follow him, till it is the turn of the person sitting on the left side of the host. After finishing the meal, the person sitting on the left side of the host should wash his hands first, and thereafter other persons should follow him till it is the turn of the host.
(iv) One should say Bismillah before starting to eat, and if there are several dishes, it is Mustahab to say Bismillah before partaking of each of the dishes.

(v) One should eat with one's right hand.
(vi) One should eat using three or more fingers and should not eat with two fingers only.
(vii) If several persons are sitting together for their meals, everyone of them should partake of the food placed in front of him.
(viii) One should take small bits of food.
(ix) One should prolong the duration of taking a meal.
(x) One should chew the food thoroughly.
(xi) After taking one's meal one should praise and thank Allah.
(xii) One should lick one's fingers clean after taking food.
(xiii) One should use a toothpick after taking a meal. However, the toothpick should not be made of sweet basil (a fragrant grass) or the leaves of date-palm.
(xiv) One should collect and eat the food which is scattered on the dining cloth. However, if one takes meal in an open place, like a desert etc, it is better to leave the food which has fallen aside, so that it may be eaten by the animals and the birds.
(xv) One should take one's meal in the earlier part of the day, and in the earlier part of the night and should not eat during the day or during the night.

(xvi) After taking one's meal one should lie on one's back, and should place one's right foot on one's left foot.
(xvii) One should take salt before and after the meal.
(xviii) When eating a fruit, one should first wash it before eating.

Acts which are unworthy to do while taking a meal

2646. *
(i) To eat without being hungry.
(ii) To eat to one's fill. It has been reported in the Hadeeth that over-eating is the worst thing in the eyes of Allah.
(iii) To gaze towards others while eating.
(iv) To eat food while it is still hot.
(v) To blow on food or drink which one is eating or drinking.
(vi) To wait expectantly for something more after the bread or loaf has been served on the dining cloth.
(vii) To cut the loaf with a knife.

(viii) To place the loaf under the food pots or plates etc.
(ix) To scrape off meat stuck to a bone in such a manner that nothing remains on it.
(x) To peel those fruits which are normally eaten with their skin.
(xi) To throw away a fruit before one has eaten it fully.

Manners of Drinking Water

2647. There are certain acts which are Mustahab while drinking water; they are as follows:
(i) Water should be drunk slowly as if it were sucked.
(ii) During daytime, one should drink water while standing.
(iii) One should say Bismillah, before drinking water and Al-hamdulillah after drinking.
(iv) One should drink water in three sips.
(v) One should drink water when one feels thirsty.
(vi) After drinking water, one should remember Imam Husayn (A.S.) and his Ahlul Bayt (A.S.), and curse the enemies who slew him.

2648. It is unworthy to drink too much water; to drink water after eating fatty food; and to drink water while standing during the night. It is also unworthy to drink water with one's left hand; to drink water from the side of a container which is cracked or chipped off, or from the side of its handle.

Vow and Covenant

Vow (Nazr)
2649. * Vow means making it obligatory upon oneself to do some good act, or to refrain from doing an act which it is better not to do, for the sake of, or for the pleasure of Allah.

2650. While making a vow, a formula declaration has to be pronounced, though is not

necessary that it should be in Arabic. If a person says: "When the patient recovers from his ailment, it will be obligatory upon me to pay $10 to a poor man, for the sake of Allah," his vow will be in order.

2651. * It is necessary that the person making a vow is baligh and sane, and makes the vow with free will and intention. If he has been coerced to make a vow, or if he makes it owing to excitement, without any intention or choice, his vow is not in order.

2652. * If a person who is feeble-minded, (i.e. one who squanders his property for useless purposes) makes a vow, for example, to give something to poor, his vow is not in order. Similarly, if a bankrupt person makes a vow to pay from the wealth over which he has no right of disposal or discretion, the vow will not be valid.

2653. * If a husband disallows his wife to make a vow, her vow will not be valid, if that vow in any way violates the rights of the husband. Similarly, a wife making a vow to pay from her wealth, without her husband's permission, commits an act which is not free from Ishkal, except when the vow is for Hajj, Zakat, Sadaqa or for doing a good turn to her parents, or her blood relations.

2654. * If a woman makes a vow with the permission of her husband, he cannot abrogate her vow, or restrain her from fulfiling her vow.

2655. * If a child (son or daughter) makes a vow, with or without the per-

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mission of his/her father, he/she should fulfil his/her vow. However, if his/her father or mother disallows him/her to fulfil the vow, his/her vow is void, provided that the fulfilment of the vow does not have any priority.

2656. A person can make a vow only for an act which is possible for him to fulfil. If, for example, a person is not capable of travelling up to Karbala on foot, and he makes a vow that he will go there on foot, his vow will not be in order.

2657. * If a person makes a vow that he will perform a haraam or makrooh act, or that he would refrain from a wajib or mustahab act, his vow is not valid.

2658. If a person makes a vow that he will perform or abandon a normal act, the performing or abandoning of which has equal merits, his vow is not in order. But if performing it is better in some respect, and a person makes a vow keeping that merit in view, for example, if he makes a vow that he will eat a certain food so as to gain strength for worshipping Allah, his vow will be in order. Also, if its renouncing is better in some respect, and the vow to renounce it is made with that intention, for example, if he finds smoking is harmful and makes a vow not to smoke, his vow is in order. However, at any time when he feels that smoking is not harmful for him, the vow will cancel by itself.

2659. * If a person makes a vow, that he will offer his obligatory prayers at a place where offering does not inherently carry higher spiritual merits, for example, he makes a vow to offer his prayers in a certain room, his vow will be valid, only if,

offering prayers there has some merit, like, being able to concentrate better due to solitude.

2660. If a person makes a vow to perform an act, he should perform it in strict accordance with his vow. If he makes a vow to give Sadaqa, or to fast on the first day of every month, or to offer prayers of the first of the month, if he performs these acts before that day or after, it will not suffice. Also, if he makes a vow that he will give Sadaqa when a patient recovers, but gives away before the recovery of the patient, it will not suffice.

2661. If a person makes a vow that he will fast, without specifying the time and the number of fasts, it will be sufficient if he observes one fast. And if he makes a vow that he will offer prayers, but does not specify its number and particulars, it will be sufficient if he offers a two rak'at prayers. And if he makes a vow that he will give Sadaqa, not specifying its nature or quantity, and he gives something which can be deemed as Sadaqa, his vow will be fulfilled. And if he simply makes a vow that he will act to please Almighty Allah, his vow will be fulfilled if he offers one prayers, or observes one fast, or gives away something by way of Sadaqa.

2662. * If a person makes a vow that he will observe fast on a particular day, he should observe fast on that very day; and if he does not observe fast on that day intentionally, he should, besides observing the qadha for that fast, also give Kaffarah for it. And the Kaffarah applicable in this case is the one prescribed for violation of the Oaths, as will be mentioned later. However, travelling for him on that day is permissible, and he will not fast. Also, it is not obligatory upon him to make a niyya for ten days so as to be able to fast. If a person who made the vow could not fast on the particular day because of being on a journey, illness, or in the case of a woman, being in the state of Haidh, or for any good excuse, then he will give only qadha of that fast, and there will be no Kaffarah.

2663. * If a person, of his own choice and volition, violates his vow, he should give Kaffarah for it.

2664. If a person makes a vow to renounce an act for some specified time, he will be free to perform that act after that time has passed. But if he performs it before that time, due to forgetfulness, or helplessness, there is no liability on him. Even then, it will be necessary for him to refrain from that act for the remaining time, and if he repeats that act before it without any excuse, he must give Kaffarah for it.

2665. * If a person makes a vow to renounce an act, without setting any time limit, and then performs that act because of forgetfulness, helplessness or carelessness, it is not obligatory for him to give a Kaffarah, but, after the first instance, if he repeats the act again at any time, voluntarily, he must give Kaffarah for it.

2666. If a person makes a vow that he/she will observe fast every week on a particular day, for example, on Friday, and if Eid ul Fitr or Eid ul Azha falls on one of the

Fridays or an excuse like journey (or menses in the case of women) springs up for him/her, he/she should not observe fast on that day, but give its qadha.

2667. If a person makes a vow that he will give a specific amount as Sadaqa, and dies before having given it away, it is not necessary that that amount be deducted from his estate. It is better that the baligh heirs of the deceased give that amount as Sadaqa on his behalf, out of their own shares.

2668. * If a person makes a vow that he will give Sadaqa to a particular poor, he cannot give it to another poor, and if that poor person dies, he should on the basis of recommended precaution, give the Sadaqa to his heirs.

2669. If a person makes a vow that he will perform the Ziyarat of a particular holy Imam, for example of Abu Abdillah Imam Husayn (A.S.) his going for the Ziyarat of another Imam will not be sufficient, and if he cannot perform the Ziyarat of that particular Imam because of any good excuse, nothing is obligatory on him.

2670. If a person has made a vow that he will go for Ziyarat, but has not included in his vow that he will do Ghusl or pray after the Ziyarat, it is not necessary for him to perform those acts.

2671. * If a person makes a vow that he would spend some amount of money on the shrine of one of the Imams, or the descendants of the Imams, without having any particular project in mind, he should spend it on the repairs, lighting, carpeting etc. of the shrine.

2672. * If a person makes a vow to use something in the name of Holy Imam himself, and has an intention to put it to a specific use, he should spend it for that very purpose. And if he has not made an intention to put it to any specific use, it is better that he should use it for a purpose which has some relationship with that Imam, for example, he should spend it on poor

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Zawwar of that Imam, or on the shrine of the Imam, like its repairs etc. or for such purposes which would glorify the memory of that Imam. The same rule applies in the case of the descendants of the Imams.

2673. * If someone makes a vow that he would give a sheep as Sadaqa, or in the name of a Holy Imam, and if it gives milk, or gives birth to a young one, before it is put to use in accordance with the vow, the milk or the lamb will be the property of the person who made the vow, unless he had included them in his vow. And the growth of fat on the animal will be considered part of the vow.

2674. If a person makes a vow for an act, if a patient recovers or a traveller returns home, and if it transpires later that the patient had already recovered or the traveller had already returned before he had made the vow, it will not be necessary for him to fulfil his vow.

2675. If a father or a mother makes a vow that he/she will marry their daughter to a

Sayyid, the option rests with the girl when she attains the age of puberty, and the vow made by the parents has no significance.

2676. * When a person makes a covenant with Allah, that if his particular lawful need is fulfilled, he will perform a good act, it is necessary for him to fulfil the covenant. Similarly, if he makes a covenant without having any wish, that he will perform a good act, the performing of that act becomes obligatory upon him.

2677. * As in the case of vow, a formal declaration should be pronounced in the case of covenant ('Ahd) as well. And it is commonly held that the covenant that one makes should be related to either acts of worship, like, obligatory or Mustahab prayers, or to acts whose performance is better than its renunciation. But this is not so. In fact, all covenants which fall within the category specified in rule no. 2680 related to oaths, are valid and ought to be fulfilled.

2678. If a person does not act according to the covenant made by him, he should give a Kaffarah for it, i.e. he should either feed sixty poor persons, or fast consecutively for two months, or set free a slave.

Rules Regarding Oath (Qasam)

2679. If a person takes an oath that he will perform an act (e.g. that he will fast) or will refrain from doing an act (e.g. that he will not smoke), but does not intentionally act according to his oath, he should give Kaffarah for it, which means he should set a slave free, or should fully feed ten indigent persons, or should provide them with clothes. And if he is not able to perform these acts, he should fast for three consecutive days.

2680. * The conditions for validity of an oath are:
(i) A person who takes an oath should be Baligh and sane, and should do so with free will and clear intention. Hence, an oath by a minor, an insane person, an intoxicated person, or by a person who has been coerced to take an oath, will not be in order. Similarly, if he takes an oath involuntarily, or unintentionally, in a state of excitement, the oath will be void.
(ii) An oath taken for the performance of an act which is haraam or makrooh, is not valid. Similarly, an oath for renouncing an act which is obligatory or Mustahab is also void. And if he takes an oath to perform a normal or usual act, it will be valid, if that act has any preference in the estimation of sensible people. Similarly, if he takes an oath for renouncing a usually permissible act, it will be valid if it is deemed more preferable than its performance, by the sensible people. In fact, in each case, his own judgement about the preferences will be enough to grant validity to the oath, even if other sensible people may not concur.
(iii) The oath must be sworn by one of those names of the Almighty Allah which are exclusively used for Him, (e.g. 'Allah'). And even if he swears by a name which is used for other beings also, but is used so extensively for Him, that when any person utters that name one is reminded of Him Alone, for example, if he swears by the name Khaliq (the Creator) and Raziq (the Bestower), the oath will be in order. In fact, if he uses other names or attributes of Allah, which do not remind of Him, but give that connotation when used during an oath, like Samee' (All Hearing) or Baseer (All

Seeing), even then the oath will be valid.
(iv) The oath should be uttered in words, but a dumb person can take an oath by making a sign. Similarly, if a person is unable to utter the words, he may write down the oath, repeating in his mind the intention for it, that will be a valid oath, though as a precaution, he may confirm

the oath in other ways as well.
(v) It should be possible for him to act upon his oath. And if he was able to act upon the oath when he took it, but became incapable of acting upon it later, the oath becomes nullified from the time he became incapable of acting upon it, provided that he did not incapacitate himself purposely. And the same rule applies if acting upon one's vow, oath, or covenant, involves unbearable hardship.

2681. If the father forbids his son to take an oath, or the husband forbids his wife to take an oath, their oath is not valid.

2682. * If a son takes an oath without the permission of his father, or a wife takes an oath without the permission of her husband, the father or the husband can nullify the oath.

2683. If a person does not act upon his oath because of forgetfulness, helplessness or heedlessness, he is not liable for Kaffarah. And the same rule applies, if he is forced not to act upon his oath. And if an obsessed person takes an oath like, if he says: "By Allah, I am going to offer prayers now at once," and then does not offer prayers owing to the whims haunting him, which renders him incapable of acting according to the oath it is not necessary for him to give Kaffarah.

2684. * If a person swears to confirm that he is telling the truth, and if that is actually the truth, his taking of the oath is Makrooh; and if it is a lie, his taking of the oath is haraam. In fact, to make a false oath in the cases of dispute is a major sin. However, if a person takes a false oath in order to save himself, or another Muslim from the torture of an oppressor, there is no objection in it, in fact, at times it becomes obligatory. However, if a person can resort to 'Tauriyat' (dissimulation), that is, if at the time of taking an oath, he makes a vague, feigned utterance with no intention of resorting to falsehood, then it is better for him to do so. For example, if an oppressor or a tyrant who wants to harm someone asks him whether he has seen that person, and he had seen him an hour earlier, he would say that he has not seen him, meaning in his mind that he has not seen him during the last few minutes.

Rules Regarding Waqf

2685. If a person makes something Waqf, it ceases to be his property, and neither he nor anybody else can either gift it or sell it to any person. Also, no one can inherit anything out of it. There is, however, no harm in selling it in certain circumstances, as

mentioned in rules nos. 2102 and 2103.

2686. * It is not necessary to utter the formal declaration of Waqf in Arabic. If, for example, a person says: "I have waqfed this book for the students" it will be considered valid. In fact, Waqf is established by conduct as well.

Therefore, if a person spreads a mat in a mosque with an intention of Waqf, or constructs a building having an appearance of a mosque, with an intention of giving it away as a mosque, the Waqf will be established. In the cases of public Waqfs, like a mosque, a madressah, any public utility, or Waqf for general poor or Sadat, it does not require anyone to make a formal acceptance. In fact, even private Waqf, like the one created for one's own children, do not require any reciprocal acceptance.

2687. * If a person marks a property for Waqf, but regrets before actually making a Waqf, or dies, the Waqf is not considered as established.

2688. * If a person Waqfs a property, he should make it a perpetual Waqf from the day he declares the Waqf. Therefore, if he says: "This property is Waqf after my death" the Waqf will not be valid, because it would not cover the period from the time of declaration till his death. Also, if he says: "This property will remain Waqf for ten years and will not be Waqf thereafter" or says: "It will be Waqf for ten years and thereafter it will not be Waqf for five years, and will become Waqf again after the expiry of that period", such a Waqf will not be valid.

2689. * A private Waqf will be valid when the property which has been waqfed is given away, at the disposal of beneficiaries of the first category, or their representative or guardian. And, if a person Waqfs something upon his minor children, and looks after it on their behalf with the intention that it will become their property, the Waqf is in order.

2690. In the case of public Waqf like madressahs, mosques etc. it is not necessary that it be possessed by any gesture. The Waqf is established immediately upon its declaration as such.

2691. It is necessary that the person who makes a Waqf should be Baligh and sane, and should be doing so of his free will and niyyat. Also, he should have the right, according to Shariah, of disposal and discretion over his property. Based on this, feeble-minded person who squanders his wealth and is therefore debarred, cannot make a valid Waqf.

2692. If some property is made Waqf for an unborn child, it is a matter of Ishkal for that Waqf to be valid, and it is necessary to observe precaution in this case. But, if Waqf is created for some persons who are present at that time, and also for the persons who will be born later, even if they may not be in the womb of their mothers when the Waqf was made, it will be in order. For example, if a person Waqfs a property for his children and after them for his grandchildren, and for every succeeding generation to benefit from it, the Waqf is in order.

2693. If a person creates a Waqf for himself, for example, if he Waqfs a shop for himself so that its income may be spent for the construction of his tomb after his death, the Waqf is not in order. But, if, he creates a Waqf for the poor and later on, he himself becomes poor, he can benefit from the accruals of that Waqf.

2694. * If a person appoints a Mutawalli (trustee) of the property waqfed by him, the trustee should act according to his instructions, but if he does not appoint a trustee and say, he has waqfed the property for a particular group, like, for his children, the discretion rests with them, and if they are not baligh, the discretion rests with their guardian. And the permission of the Mujtahid is not necessary for appropriating any benefit from the Waqf. But for any such steps taken to safeguard the interest of the Waqf, or the interest of future generations, like repairing or hiring it for the benefit of the future generation, permission from the Mujtahid is necessary.

2695. If a person Waqfs a property, for example, for the poor, or for the

Sayyids, or he Waqfs it for charitable purposes, and does not appoint the trustee for the Waqf, the discretion with regard to that Waqf rests with the Mujtahid.

2696. If a person Waqfs a property for a particular group, like, his descendants, so that every generation should benefit from it successively, and to achieve that purpose, the trustee of the Waqf leases it out, and then dies, the lease will not become void. But, if the Waqf has no trustee, and one generation for whom the property has been waqfed, leases it out and they die during the currency of the lease, and the next generation does not endorse the lease, the lease becomes void; and if the lessee has given rent for the entire period, he is entitled to receive the refund of rent which covers a period from the time of their death till the end of the period of lease.

2697. * If the Waqfed property is ruined, its position as Waqf is not affected, except when the Waqf is of a special nature, and that special feature ceases to exist. For example, if a person endows a garden and the garden is ruined, the Waqf becomes void and the garden reverts to the heirs of the person.

2698. * If one part of a property has been waqfed and the other part is not, and the property is undivided, the Mujtahid, or the trustee of the Waqf, or the beneficiaries can divide the property and separate the Waqf part in consultation with the experts.

2699. If the trustee of Waqf acts dishonestly, and does not use its income for the special purposes, the Mujtahid should assign an honest person to act with the dishonest trustee in order to restrain him from acting dishonestly. And if this is not possible, the Mujtahid can replace him with an honest trustee.

2700. A carpet which has been waqfed in Husayniya (Imambargah) cannot be used in mosque for offering prayers, even if the mosque may be near the Husayniyah.

2701. * If a property is waqfed for the maintenance of a mosque, and that

mosque does not stand in need of repairs, and it is also not expected that it will need repairs for quite some time, and if it is not possible to collect and deposit the accrual till such time when it could be used for the repairs, then, as an obligatory precaution, the income should be used for the purposes which has nearest conformity with the intention of the one who waqfed it, like spending it in other needs of the same mosque, or for the repairs of any other mosque.

2702. * If a person waqfs some property for the repairs of a mosque, and the Imam of the congregation, and the Mu'azzin, and if the quantity for each has been specified by the donor, it should be spent in the same manner. But if, it is not specified, the mosque should be repaired first, and if there is any balance, it should be distributed between the Imam of the congregation and Mu'azzin, by the trustee, as he deems fit and proper. But it is better that these two beneficiaries reach a compromise between them in respect of the distribution.

Rules Regarding Will (Wasiyyat)

2703. A Will is purported to direct that after one's death, a certain task be completed, or that a portion of his property be given in ownership to someone, or that the ownership of his property be transferred to someone, or that it be spent for charitable purposes, or that he appoints someone as guardian of his children and dependents. A person who is to give effect to a Will is called executor (Wasi).

2704. If a person who is dumb, can make himself understood by means of signs, he can Will for anything he likes; and even if a person who can speak, makes a Will by means of signs and makes himself understood, his Will will be valid.

2705. * If a written paper is found, signed and sealed by a deceased person, and if it is known or conveyed that he wrote it as a Will, it should be acted upon. But if it is known that it was not his intention to make any Will, and that he had simply made some notes for a Will to be written later, it will not be considered as a Will.

2706. * A person making a Will should be baligh, sane, and he should not be a feeble-minded squanderer. And the Will must have been made with free will and choice. A Will made by a non-baligh child is invalid, but if a child of ten years of age Wills for the benefit of his blood relatives, or for general charity, then that Will is valid. But if he Wills for the benefit of those other than his blood relatives, or if a seven year old child WIlls that a certain part of wealth be for someone, or be given to someone, that Will is a matter of Ishkal, and in both cases, precaution must not be ignored. As for the feeble-minded squanderer, his Will related to his property is not valid, but in matters other than the property, like in matters of some tasks or duties to be performed for the deceased, his Will is valid.

2707. * If a person who injures himself intentionally, or takes a poison, because of which his death becomes certain or probable, makes a Will that a certain part of his property be put to some particular use, his Will is not in order.

2708. * If a person makes a Will that something from his property will belong to someone, and if that person accepts the Will, even if his acceptance took place during the lifetime of the testator, that thing will become his property after the death of the testator.

2709. * When a person sees signs of approaching death in himself, he should immediately return the things held in trust by him to their owners, or should inform the owners, acting according to the details already mentioned in rule no. 2351. And if he is indebted to others, and the time for repayment of the debt has matured, and if the creditors make the demand, he should repay the debt. And if he is not in a position to repay the debt, or the time for its repayment has not yet matured, or the creditor has not yet demanded, he should make arrangements to ensure that his creditor will be paid after his death, like, by making a Will to inform those who are unaware of the debt and then appoint witness to the Will.

2710. * If a person who sees signs of approaching death in himself, has a debt of Khums and Zakat, or has other liabilities, and if he cannot make payment immediately, he should make a Will directing payment, if he owns some property, or if he knows someone will pay on his behalf. The same rule applies if he has obligatory Hajj on him. But, if he is capable of paying his religious dues immediately, he should pay at once, even if he sees no signs of impending death.

2711. * If a person who finds signs of approaching death in himself, has lapsed (Qadha) of some prayers and fasts due to him, he should direct in his Will that a person be hired and paid from his estate for their performance. In fact, even if he does not leave any estate, but feels it probable that someone would perform them without taking any fees, it is obligatory for him to make a Will in this behalf. And if he has someone like his eldest son who would perform, it is sufficient to inform him about it, and it is not obligatory to Will in that respect.

2712. If a person who finds signs of impending death in himself has deposited some property with some other person, or has concealed it in some place of which his heirs are not aware, and if owing to the ignorance

of the heirs their right is lost, he should inform them about it. And it is not necessary for him to appoint a guardian, or an administrator for his minor children, except when it is feared that their property may perish, or they themselves may be ruined without an administrator, in which case, he should appoint a trustworthy administrator for them.

2713. * The executor (Wasi) should be sane and trustworthy in matters related to the testator, and as a precaution, in matters related to others also. And it is necessary as a precaution, that the executor of a Muslim should be a Muslim. To appoint a Na-baligh child alone for putting the Will into effect, is not in order, if the said child is expected to exercise discretion without permission of the guardian. But if the child is directed to put the Will into effect after having become baligh, or with the permission of the

guardian, there will be no objection.

2714. * If a person appoints more than one executors, allowing each of them to execute the Will independently, it will not be necessary that they should obtain permission from one another for the execution of the Will. And if he had not given any such permission - whether he had or had not said that both of them should execute the Will jointly, they should execute the Will in consultation with one another. And if they are not prepared to execute the Will jointly, and this unwillingness is not occasioned by any religious scruple, the Mujtahid can force them to do so, and if they do not obey his orders, or any one has a religious excuse for not being prepared to act jointly, then the Mujtahid can replace the dissenting executor.

2715. If a person retracts a directive in his Will, for example, if he first says that 1/3 of his property should be given to a person, and then says that it should not be given to him, the Will becomes void. And if he changes his Will, for example, if he appoints an administrator for his children, and then replaces him with another person, his first Will becomes void, and his second Will should be acted upon.

2716. * If a person conducts himself in a manner which shows that he has drawn back from his Will, for example, if he sells a house which he had willed to give away to someone, or appoints someone as his agent to sell it

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in spite of his original wish, the Will becomes void.

2717. If a person makes a Will that a particular thing be given away to someone, and later changes it to say that half of the same thing should be given to another person, that thing should be divided into two parts, and one part should be given to each of them.

2718. * If a person who is on his death-bed, bestows a part of his property as gift on a certain person, and makes a Will that after his death another quantity be given to yet another person, and if both the gifts exceed one-third of his estate, and the heirs are not prepared to approve the excess, then in that case the first endowment should be given to the first beneficiary, and whatever remains from one-third should be spent according to the Will.

2719. If a person makes a Will that 1/3 of his property should not be sold and its income should be spent for some particular purpose, his instructions should be followed.

2720. If a person says during his terminal illness, that he owes certain amount to someone, and if he is suspected of having said that to harm his heirs, the amount specified by him should be given out of 1/3 of his property; and if he is not suspected of any such motive, his admission will be valid, and the payment should be made out of his estate.

2721. * When a person makes a Will that something be given to another person, it is not necessary that that beneficiary should be existing at the time of the Will. If,

therefore, he makes a Will that something be given to a child who may possibly be born of a particular wife, it is necessary that the thing should be given to the child if he is born after the death of the testator. And if he is not born, and if the Will is construed as general, then it should be spent in a manner which would be nearer to the object of the Will, according to the testator. But, if he makes a Will that after his death, a portion of his property will be owned by a particular person, and if that person exists at the time of the death of the testator, the Will is in order, otherwise it is void, and whatever he willed for that person should be divided by the heirs among themselves.

2722. If a person comes to know that someone has appointed him his executor, and he informs the testator that he is not prepared to perform the duties of an executor, it is not necessary for him to act as an executor after the death of the testator.

But, if he does not come to know of his appointment before the death of the testator, or comes to know about it, but does not inform the testator that he is not prepared to act as an executor, he should execute the Will if the execution of the Will does not involve any hardship to him. Also, if the executor comes to know of his appointment at a time when due to serious illness or some other hindrance, the testator cannot appoint any other executor, he should, on the basis of precaution, accept the appointment.

2723. * After a testator dies, the executor cannot appoint another person to execute the Will and retire himself. But, if he knows that the deceased did not mean that the executor should execute the Will himself, what he wanted was only that the given work should be accomplished, he can appoint another person on his behalf.

2724. If a person appoints two persons as joint executors, and if one of them dies, or becomes insane, or an apostate, the Mujtahid will appoint another person in his place. And if both of them die, or become insane or apostates, the Mujtahid will appoint two persons in their place. However, if one person can execute the Will, it is not necessary to appoint two persons for the purpose.

2725. * If an executor alone cannot perform all the tasks laid down in the Will of the deceased, even by appointing someone as his agent or by hiring someone, then the Mujtahid will appoint someone to assist him in his duties.

2726. If a quantity from the property of a dead person is lost or damaged while in the custody of the executor, and if he has been negligent in looking after it, or has gone beyond moderation, he will be responsible. For example, if the dead person had willed him to give a certain quantity to the poor of a particular town, and he took it to some other town, and in the process it has perished, he will be responsible for it. But if, he has not been negligent

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nor immoderate, he will not be responsible for the loss.

2727. If a person appoints someone as his executor, and says that after that executor's death, another person should be the executor in his place, the second executor should perform the tasks laid down in the Will of the deceased, after the death of the first executor.

2728. If obligatory Hajj remained unperformed by the dead person, or debts and dues like Khums, Zakat and Mazalim (wealth wrongly appropriated) which were obligatory to pay, were not paid, they should be paid from the estate of the deceased though he may not have directed in his Will for them.

2729. If the estate of the deceased exceeds his debt and expenses for obligatory Hajj, and obligatory religious dues like Khums, Zakat and Mazalim, and if he has also willed that 1/3 or a part thereof of his property be put to a particular use, his Will should be followed, and if he has not made a Will, then what remains is the property of the heirs.

2730. If the disposal specified by the deceased exceeds 1/3 of his property, his Will in respect of what exceeds the 1/3 of his property will be valid only if the heirs show their agreement, by words or by conduct. Their tacit approval will not suffice. And even if they give their consent after some time, it is in order. But if some heirs permit and others decline to give consent (to the Will being acted upon), the Will is valid and binding only in respect of the shares of those who have consented.

2731. If the dispensation specified by the deceased exceeds 1/3 of his property, and his heirs give consent to that dispensation before his death, they cannot withdraw their permission after his death.

2732. If a person makes a Will that Khums and Zakat and other debts due to him should be paid out of 1/3 of his property, and also someone be hired for performing his qadha prayers and fasts, and also perform Mustahab acts like feeding the poor, the precaution will be that, his debt should be paid first out of the 1/3 of his property, and if there is a balance, a person should be hired to perform his qadha prayers and fasts, and if there is still a

residue, it should be spent on the Mustahab acts specified by him. If, however, 1/3 of his property is sufficient only for the payment of his debts, and his heirs, too, do not permit that anything more than the 1/3 of his property should be spent, his Will in respect of prayers, fasts, and Mustahab acts is void.

2733. If a testator wills that his debt should be paid, and also someone should be hired for the performance of his qadha prayers and fasts, and also Mustahab acts should be performed, but does not direct that the expenses for those acts should be paid from 1/3 of his estate, then his debt should be paid from his estate, and if anything remains, 1/3 of it should be spent on prayers and fasts and Mustahab acts specified by him. And if that 1/3 is not sufficient, and if his heirs permit, his Will should be implemented by paying from their share, and if they do not permit, the expenses of prayers and fasts should be paid from the 1/3 of his estate, and if anything remains it should be spent on the Mustahab acts specified by him.

2734. If a person claims that the deceased had willed that a certain amount should be given to him, and two Adil men confirm his statement, or if he takes an oath, and one Adil man also confirms his statement, or if one Adil man and two Adil women, or four Adil women bear witness to what he says, the amount claimed by him should be given to him. And if only one Adil woman bear witness, 1/4 of the amount claimed by him should be given to him, and if two Adil women bear witness, 1/2 of that amount, and if three Adil women bear witness, 3/4 of it should be given to him. Also, if two non-Muslim males from amongst the people of the Book, who are esteemed as Adil in their own religion, confirm his statement, and if the dead person was obliged to make a Will while no Adil man and woman was present at that time, the amount claimed by that person should be given to him.

2735. If a person claims that he is the executor of the deceased, and can act according to the Will and put it into effect, or that the deceased had appointed him an administrator of his children, his statement should be accepted only if two Adil men confirm it.

2736. If a person makes a Will that something from his estate is for a partic-

ular person, and that beneficiary dies before accepting or rejecting it, his heirs can accept it as long as they do not reject the Will. However, this order applies when the testator does not retract his Will, otherwise the beneficiary have no right to lay claim to that thing.

Inheritance

2737. * There are three groups of persons who inherit from a dead person, on the basis of relationship:
(i) The first group consists of the dead person's parents and children, and in the absence of children, the grand children, however low, and among them whoever is nearer to the dead person inherits his property. And as long as even a single person from this group is present, people belonging to the second group do not inherit.
(ii) The second group consists of paternal grandfather, paternal grandmother, and sisters, brothers, and in the absence of sisters and brothers their children, whoever from among them is nearer to the dead person, will inherit from him. And as long as even one person from this group is present, people belonging to the third group do not inherit.
(iii) The third group consists of paternal uncles and paternal aunts and maternal uncles and maternal aunts, and their descendants. And as long as even one person from the paternal uncles and paternal aunts and maternal uncles and maternal aunts of the dead person is present, their children do not inherit. However, if the paternal step uncle and the son of the real paternal uncle are present, the son of the dead person's real paternal uncle will inherit from him to the exclusion of the paternal step uncle. But if there are several paternal uncles and several paternal cousins, or if the widow is alive, then this rule is not without Ishkal.

2738. If the dead person's own paternal uncle and paternal aunt and maternal uncle and maternal aunt and their children and their grandchildren do not exist, the property will be inherited by the paternal uncles and paternal aunts and maternal uncles and maternal aunts of dead person's parents. And if even they do not exist, the property will be inherited by their descendants. And in the absence of their descendants, the property is inherited by

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the paternal uncles and paternal aunts and maternal uncles and maternal aunts of the dead person's paternal grand parents. And if even they do not exist, the property is inherited by their descendants.

2739. Husband and wife inherit from each other as will be explained later.

Inheritance of the First Group

2740. If out of the first group, there is only one heir of the deceased (for example, father or mother or only one son or only one daughter) he/she inherits the entire estate, and, if there are more than one sons or daughters, the estate is divided among them in such a way, that each son gets twice the share of each daughter.

2741. * If the father and the mother of deceased are his only heirs, the estate is divided into 3 parts, out of which 2 parts are taken by the father and one by the mother. If, the deceased has two brothers or four sisters, or one brother and two sisters, who are Muslims and are related to him from the side of the father (i.e. the father of these persons and of the deceased is same, although their mothers may be different), the effect of their presence on the inheritance is that, although they do not inherit anything in the presence of the father and the mother, the mother gets 1/6 of the estate, and the rest is inherited by the father.

2742. * If only the father, the mother and one daughter are the heirs of deceased, and he (the deceased) does not have two paternal brothers, or four paternal sisters, or one paternal brother, and two paternal sisters, with the conditions already explained, the estate will be divided into 5 parts, out of which the father and the mother take one share each, and the remaining 3 shares are taken by the daughter. And if the deceased has two paternal brothers, or four paternal sisters, or one paternal brother, and two paternal sisters, the estate will again be divided into 5 parts, as the presence of these persons will have no effect.

But it is commonly held by the Fuqaha that, in such situation, the estate will be divided into six parts. Father and mother will take one part each, and three parts will be taken by the daughter. As regards the remaining one part, it is again divided into 4 parts out of which one part is taken by the father and 3 by the daughter. As a result, the estate of the deceased is divided into 24 parts, out of which 15 are taken by the daughter, 5 by the father, and 4 by the mother. But this verdict is not without Ishkal, and therefore precaution must be exercised while allocating one-fifth or one-sixth of the mother's share.

2743. If the heirs of the deceased are his father, mother, and one son only, the

property is divided into 6 parts, from which one part is taken by the father and one by the mother, and 4 by the son. And if the deceased has several sons or several daughters, they divide the said 4 parts equally among them. If however, he has several sons and daughters, the 4 shares are divided among them in such a manner, that each son gets double the share of each daughter.

2744. If the heirs of deceased are only his father or mother and one or several sons, the property is divided into 6 parts, from which one goes to the father or mother, and 5 to the son. If there are more than one sons, they divide those 5 parts equally among them.

2745. If the deceased is survived by the father or the mother with his sons and daughters, the estate will be divided into 6 parts. One part is taken by the father or the mother, and the remaining 5 parts are divided among the sons and daughters, in such a manner that each son gets double the share of each daughter.

2746. If the heirs of deceased are only his father or mother and one daughter, his estate will be divided into four parts. Out of these one part is taken by the father or the mother, and the rest goes to the daughter.

2747. If the heirs of deceased are his father or mother and several daughters, the property is divided into 5 parts. One part is taken by the father or the mother, and the remaining 4 parts are equally divided among the daughters.

2748. If the deceased has no children, the child of his son gets a son's share even if it be a daughter, and the child of his daughter gets a daughter's share even if it be a son. For example, if the deceased has a grandson by his daughter, and a grand-daughter by his son, the property will be divided into 3 parts, from which one part will go to the grandson by his daughter, and 2 to the grand-daughter by his son.

Inheritance of the Second Group

2749. The second group of persons, which inherits on the basis of relationship, consists of paternal grandfather, paternal grandmother, brothers and sisters and, if the dead person does not have brothers and sisters, their children inherit the estate.

2750. If the heirs of deceased is only one brother, or only one sister, he or she inherits the entire estate, and if he has several real brothers alone or several real sisters alone, they divide the property equally among themselves. If, however, he has several real brothers and some real sisters together, every brother gets double the share of a sister. For example, if he has two real brothers and one real sister, the property will be divided into 5 parts, and each brother will get 2 parts while the sister will get one.

2751. If a deceased has real brothers and real sisters, his half brothers and sisters (whose mother is the stepmother of the deceased) do not inherit his property. And if he has no real brothers or real sisters, and has only one half brother or only one half sister, (both from father's side) the entire estate will be inherited by him or her. And if he has many paternal half brothers alone, or many paternal half sisters alone, the estate will be divided among them equally. And, if he has paternal half brothers together with paternal half sisters, every brother gets double the share of every sister.

2752. If the only heir of deceased is one maternal half sister, or one maternal half brother, their father being different from the deceased father, she or he gets the entire estate. And if he has several maternal brothers alone, or several maternal sisters alone, or both of them together, the estate is divided equally among them.

2753. If the dead person has real brothers and sisters, together with half brothers and sisters from father's side, and one half brother or one half sister from maternal side, the paternal brothers and sisters will not inherit. In this case, the estate will be divided into 6 parts, from which one part will be inherited by the maternal brother or sister, and the remaining 5 parts will be divided by the real brothers and sisters among themselves, in such a manner that every brother will get double the share of every sister.

2754. If a deceased has real brothers and sisters together with paternal brothers and sisters, and several maternal brothers and sisters, the paternal brothers and sisters will no inherit. In this case, the estate will be divided into 3 parts, from which one part will be divided by the maternal brothers and sisters equally among themselves, and the remaining 2 parts will be divided among the real brothers and sisters, in such a manner that every brother gets double the share of every sister.

2755. If the only heirs of deceased are his paternal brothers and sisters, and one maternal brother or one maternal sister, the estate will be divided into 6 parts. One part will be given to the maternal brother or the maternal sister, and the remaining parts will be divided among the paternal brothers and sisters, in such a manner that every brother gets double the share of every sister.

2756. If the only heirs of deceased is his paternal brother and sister, and several maternal brothers and sisters, the estate will be divided into 3 parts. One part will be shared among the maternal brothers and sisters equally, and the remaining 2 parts will be divided among the paternal brothers and sisters, in such a manner that every brother gets double the share of every sister.

2757. If the brother, the sister, and the wife of deceased are his only heirs, the wife gets her inheritance in the manner which will be explained later, and the sister and brother get their inheritance as stated in the foregoing rules. Also, if a woman dies and her only heirs are her sister, her brother and her husband, the husband gets half of the estate, and the sister and the brother inherit as explained earlier. However, nothing is reduced from the share of maternal brother and sister to provide for the shares of the wife or the husband. But in the case of real brothers and real sisters, or paternal brothers and sisters, their shares may be reduced. For example, if the heirs of deceased are her husband, maternal brother and sister, and real brother and sister, half of the estate will go to the husband, and one part out of the three parts of the original estate will be given to the maternal brother and sister, and whatever remains will be the property of the real brother and sister. Hence, if the total estate of the deceased is $6, $3 goes to the husband, $2 are taken by the maternal brother and sister, and $1 will be the share of the real brother and sister.

2758. If deceased does not have sister and brother, their share of the inheritance is given to their descendants, and the share of maternal brother's child and maternal sister's child will be divided among them equally. And as for the share of the paternal

brother's child and paternal sister's child, or real brother's child and real sister's child, the commonly held principle is that every son gets twice as much as the daughter, but it may be true that they too may get equal shares. Therefore, it is better that they should resort to a compromise.

2759. If the heir of the deceased is only one grandfather or one grandmother, regardless of whether they are paternal or maternal, the entire estate goes to them, and the great grandfather of the deceased does not inherit in the presence of the grandfather. And if only the paternal grandfather and paternal grandmother of the dead person are the heirs, the estate will be divided into 3 parts, from which 2 parts will be taken by the grandfather and one part will be taken by the grandmother. And if the maternal grandfather and maternal grandmother are the heirs, the property will be divided between them equally.

2760. If the heirs of deceased is paternal grandfather or paternal grandmother together with maternal grandfather or maternal grandmother, the property will be divided into 3 parts. 2 parts will go to the paternal grandfather or paternal grandmother, and one part will go to the maternal grandfather or maternal grandmother.

2761. If the heirs of the deceased are paternal grand parents together with maternal grand parents, the estate will be divided into 3 parts. One part will be divided equally between the maternal grandfather and the maternal grandmother, and the remaining 2 parts will go to the paternal grandfather and the paternal grandmother, from which the paternal grandfather gets twice the share of the paternal grandmother.

2762. If the only heirs of a deceased are his wife together with his paternal grand parents, and his maternal grand parents, his wife gets her inheritance in the manner which will be explained later. And one of the 3 parts of the original estate of the deceased will be given to the maternal grandfather and grandmother, to divide it equally between them. The remaining part will be given to the paternal grand parents, and the paternal grandfather gets twice as much as the paternal grandmother. And if the heirs of the deceased are her husband together with her paternal or maternal grand parents, the husband gets half of the property, and the grand parents get their inheritance in the manner mentioned in the foregoing rules.

2763. There are a few combinations of brother or sister, or brothers or sisters with the grand parents:
(i) That the grand parents and brothers or sister are each from the mother's side. In that event the estate is divided among them equally, though they are of different sex.
(ii) That all of them are from the father's side. In that case, the property will be divided among them equally, provided that all of them are males, or all of them are females. And if they are different, every male will get twice as much as the female.
(iii) That the grand parents from the paternal side combine with the real brother or sister. The rule explained in the foregoing clause will also apply in this case. And it should be remembered that if the paternal brother or sister of the deceased combines with real brother or sister, those who are paternal do not inherit alone, but all of them inherit.
(iv) That there are grand parents, paternal and maternal, all males or all females or mixed, combined with the brothers or sisters who are similarly of diverse categories. In this case, 1/3 of the estate will go to the maternal relatives to be divided equally

among them, regardless of their sex. And 2/3 of the estate will go to the paternal relatives, among whom every male gets twice as much as a female. And if there is no difference of sex among them, and all of them are males or all of them are females it will be divided equally among them.
(v) That paternal grand parents are combined with maternal brother or sister. In this case, if there is only one brother or sister, he/she gets 1/6 of the property, and if they are many, 1/3 of the property is divided among them equally. The balance goes to the paternal grand parents, and if both the grandfather and the grandmother are there, the grandfather gets twice as much as the grandmother.
(vi) That maternal grand parents combine with the paternal brother. In this case 1/3 goes to the grand parent, although he/she may be alone, and 2/3 goes to the brother although he may be alone. If there is a paternal sister combined with the maternal grandfather or the grandmother, and if she is alone, she will get 1/2 of the property, and if there are several sisters they get 2/3 of it. And in every case, the share of the grandfather and grandmother is 1/3. And based on this calculation, there will be a residue of 1/6 if there is only one sister. Therefore, as an obligatory precaution, a compromise should be effected for that extra residue.
(vii) That there are some paternal and some maternal grand parents combined with one or more paternal brother or sister. In this case, the share of the maternal grandfather or grandmother is 1/3, and if they are many, it will be divided among them equally, although they are of different sex. And the remaining 2/3 of the estate is given to the paternal grandfather or the paternal grandmother and the paternal brother or the paternal sister. If they are of different sex, the estate will be divided in the ratio of one to two, and if they are all of the same sex, it will be divided equally. And if there is a maternal brother or maternal sister with those grand parents, the share of the maternal grandfather or maternal grandmother, together with the maternal brother or maternal sister will be 1/3, which will be divided among them equally, even if they are of different sex. And the share of the paternal grandparents will be 2/3, which be divided among them in the ratio of one to two in the case of difference of sex, and otherwise equally.
(viii) That there are brothers and sisters, some of whom paternal and others maternal, combined with paternal grand parents. In this case, the share of the maternal brother or maternal sister is 1/6, if he/she is alone, and 1/3 if there are many of them, and it will be divided equally among them. And as for the paternal brother or paternal sister together with the paternal grand parents, the remaining estate will go to them, to be divided among them equally if they are all of one sex, and if they are different, it will be divided in the ratio of one to two. And if there is a maternal grand parent combined with those brothers or sisters, the total share of the maternal grandfather and maternal grandmother with maternal brother and maternal sister is 1/3, to be divided equally among them. The share of the paternal brother or paternal sister will be 2/3, which will be divided among them in the ratio of one to two, if they are of different sex, and equally if they are of the same sex.

2764. If the deceased has brothers or sisters, then the brother's or sister's children do not inherit. However, this law does not apply when the inheritance of brother's child or sister's child does not clash with that of brother or sister. For example, if the dead person has paternal brother and maternal grandfather, the paternal brother inherits 2/3 nd the maternal grandfather inherits 1/3 of the estate. But if the deceased has a son of the maternal brother as well, the brother's son shares with the maternalgrandfather the 1/3 of the estate.

Inheritance of the Third Group

2765. The third group of heirs consists of paternal uncle, paternal aunt, maternal uncle, maternal aunt and their children. As mentioned above, the persons constituting this group inherit when none of the persons belonging to the first two categories is present.

2766. * If the only heir of deceased is one paternal uncle or aunt (whether he or she be the real, paternal or maternal brother or sister of his father), he or she inherits the entire estate. And if there are some paternal uncles alone, or aunts alone of the deceased, and they are all real or paternal brothers and sisters of his father, the estate will be divided equally among them.

And if the survivors are several paternal uncles together with the aunts of the deceased and all of them are the real or the paternal brothers and sisters of his father, then the paternal uncle will get twice the share of the paternal aunt. For example, if two paternal uncles and one paternal aunt are the heirs of the deceased, the estate will be divided into 5 parts, from which the paternal aunt will get one part, and the two paternal uncles will divide the remaining 4 parts equally between them.

2767. * If the heirs of a deceased are several maternal uncles or several maternal aunts, the estate will divide equally among them. And if the survivors are maternal uncles together with the maternal aunts, the uncles will receive twice the share of the aunts, though, as a precaution, the uncles should compromise from the excess they receive.

2768. * If the heirs of deceased are his paternal uncles and paternal aunts, some of whom are the real brothers and sisters of his father, while others are paternal or maternal half brothers and sisters of his father, those who are paternal half brothers and sisters will not inherit anything. And if the deceased is also survived by one paternal uncle or one paternal aunt, who are the maternal half brother and half sister of his father, the estate will be divided into 6 parts, from which one part will be taken by the paternal uncle or paternal aunt of the deceased, and the remaining will be taken by the full real paternal uncles and paternal aunts of the deceased.

If the deceased has no real full paternal uncles and real full paternal aunts, the remaining 5 parts will be taken by those paternal uncles and paternal aunts of the deceased who are the paternal half brothers or sisters of his father. But, if the deceased happens to have those paternal uncles together with paternal aunts who are the maternal half brothers and sisters of his father, the estate will be divided into 3 parts, from which 2 parts will be taken by the real paternal uncles and real paternal aunts of the deceased, who are half paternal brothers and sisters of his father.

Then the remaining one part will be taken by those paternal uncles and paternal aunts of the deceased person, who are the maternal half brothers and sisters of his father. It is commonly held by the Fuqaha that the uncles and aunts who are maternally connected with the father of the deceased, should divide their share between them equally, but it may be true that the uncles will receive twice the share of the aunts - however, as a precaution, they should effect a compromise between them.

2769. * If a deceased has only one maternal uncle or only one maternal aunt, he or she inherits the entire estate. And if he has a maternal uncle together with the maternal aunt (whether they be the full, or the paternal, or the maternal half brothers and sisters of his mother), the estate should be divided giving the uncle twice the share of the aunt. nd since there is a probability that they should inherit equally, observing precaution should not be ignored in that respect.

2770. * If the heirs of the deceased are one or several maternal uncles, together with maternal aunts from the mother's side, and full maternal uncle and full maternal aunt, and also maternal uncles and aunts from the father's side, then to deprive the maternal uncle and maternal aunt from the father's side is a matter of Ishkal. In all the situations, the uncles will inherit twice the share of the aunts, but a precaution by way of compromise is recommended.

2771. If the heirs of deceased are one or several maternal uncles, or one or several maternal aunts, or maternal uncle together with maternal aunt with one or several paternal uncles, or one or several paternal aunts, or paternal uncle together with paternal aunt, then the estate will be divided into 3 parts from which one part will be taken by the maternal uncle, or maternal aunt, or both of them, and the remaining part will go to the paternal uncle, or paternal aunt, or both of them.

2772. * If the heirs of the deceased are one maternal uncle, or one maternal aunt together with paternal uncle and paternal aunt, and if they are full paternal uncle and the paternal aunt or related from the father's side, the estate will be divided into 3 parts. One part will be taken by the maternal uncle or the maternal aunt, and from the balance two parts of it, 3 will be given to the paternal uncle and one part will be given to the paternal aunt. Based on this calculation, the estate will be divided into 9 parts, from which 3 parts will be given to maternal uncle or maternal aunt, 4 parts are given to the paternal uncle and 2 parts are given to the paternal aunt.

2773. * If the heirs of the deceased are one maternal uncle, or one maternal aunt together with one paternal uncle, or one half paternal aunt related from the mother's side together with full or half paternal uncles and aunts, the estate will be divided into 3 parts. One part will be given to the maternal uncle or the maternal aunt, and the remaining 2 parts will be equally divided between the paternal uncles and aunts, with uncles taking twice the share of the aunts, though precaution is recommended.

2774. * If the heirs of deceased are several maternal uncles and several maternal aunts, all of whom are either full or related from father's or mother's side, and also a paternal uncle and a paternal aunt, the estate will be divided into 3 parts. 2 parts will be divided between the paternal uncle and the paternal aunt as mentioned above, and one part will be divided equally between the maternal uncles and the maternal aunts as explained in rule no. 2770.

2775. * If the heirs of deceased is maternal uncle only, or if there are half maternal aunts related from the mother's side together with several maternal uncles and several maternal aunts who are either full or half related from father's side, and also paternal uncle and paternal aunt, the estate will be divided into 3 parts. Two of these parts will be divided between the paternal uncle and the paternal aunt, in the manner already mentioned, and quite likely, the remaining heirs will share the third part equally.

2776. If the deceased is not survived by paternal uncle, and paternal aunt and maternal uncle and maternal aunt, the share to which the paternal uncle and the paternal aunt are entitled will go to their descendants, and the share to which the maternal uncle and maternal aunt are entitled will go to their descendants.

2777. * If the heirs of the deceased are paternal and maternal uncles and aunts of his father, and paternal and maternal uncles and aunts of his mother, the estate will be divided into 3 parts. One part will be given to the paternal and maternal uncles and aunts of his mother, to be divided among them equally, though a precaution by way of compromise should not be ignored. The remaining 2 parts, the same will be again divided into 3 parts. One part will be divided as above between the father's maternal uncle and aunt, and the remaining 2 parts will be divided as above between the father's paternal uncle and aunt.

Inheritance By The Husband and the Wife

2778. If a woman dies without any children, 1/2 of her property is inherited by her husband, and the remaining 1/2 is given to her other heirs. If, she has children from that or another husband, her husband will get 1/4 of the estate, and the remaining part will be inherited by her other heirs.

2779. If a man dies childless, 1/4 of his estate will go to his wife, and the remaining part will be given to his other heirs. And if the man has children from that or another wife, the wife gets 1/8th of the estate, and the remaining part will be inherited by his other heirs. A wife does not inherit anything from the land of a house or a garden or a farm, or from any other land, nor does she inherit from the proceeds of such lands. She does not also inherit from that which stands on that land, like the house and the trees, but she inherits from their proceeds. The same rule applies to the trees and crops and buildings standing on the land of a garden, and on agricultural land, or on any other lands.

2780. If the wife wishes to have any right of discretion over things from which she does not inherit (for example, the land of a residential house) she should obtain the permission of other heirs to do so. Also, it is not permissible for other heirs to have any right of disposal, without the permission of the wife,over those things from the proceeds of which she inherits (for example, the value of the buildings and trees).

2781. * If one wishes to evaluate the buildings and the trees and other similar things, it should be calculated as assessors usually do, that is, by estimating its value as they stand, and not as objects uprooted or extirpated from the land. Or, they should be valued as unrented property remaining on the land, till they are destroyed or till they perish.

2782. The canals for the flow of water fall under the category of land, and the bricks etc, used for its construction fall under the category of building.

2783. If a deceased has more than one wives, and if he is childless, 1/4 of the estate will be divided equally among the wives, in the manner explained above, and if he has children, 1/8 of the estate will be divided equally among them. And the rule applies even if the husband may not have had sexual intercourse with some or all of them.

However, if he married a woman during a terminal illness, and did not have sexual intercourse with her, that woman will not inherit from him nor will she be entitled to Mahr.

2784. If a woman marries a man during her illness, and dies in that illness, her husband inherits from her even if he did not have sexual intercourse with her.

2785. If a woman is given revocable divorce, in the manner explained in the orders relating to 'divorce', and she dies during the waiting period of divorce (Iddah), her husband inherits from her. Also, if the husband dies during the period of that Iddah, the wife inherits from him. But, if one of them dies after the expiry of that period (Iddah) or during the period (Iddah) of irrevocable divorce, the other does not inherit from him/her.

2786. * If a husband divorces his wife during his illness, and dies before the expiry of twelve lunar months, the wife inherits from him on the fulfilment of three conditions:
(i) If she has not married another man during that period. And if she has married another man during that period, she will not inherit, though, as a precaution, a compromise should be reached (between the heirs and the wife).
(ii) If she had not sought divorce herself, of her own accord, irrespective of whether she paid her husband some consideration to obtain divorce or not. If she had herself asked for divorce, she does not inherit.
(iii) If the husband died during the illness in which he divorced her, as a result of that illness, or some other reason. If the husband recovers from that illness, and dies later owing to some other cause, the divorced wife will not inherit from him.

2787. The dress which a husband gives to his wife to wear, is to be treated as a part of his estate after his death, even if the wife may have worn it.

Miscellaneous Rules of Inheritance

2788. * The Holy Qur'an, a ring, and a sword of the deceased, and the clothes worn by him, belong to the eldest son. And if of the first three things, the deceased has left more than one - for example, if he has left two copies of the Qur'an, or two rings, the obligatory precaution is that his eldest son should make a compromise with the other heirs in respect of those things. The travel baggage, the gun, the dagger and other such weapons may also be included in the above list, but, as an obligatory precaution, the eldest son may compromise with other heirs in that regard.

2789. * If the deceased has two eldest sons, for example, if his two sons are born of two wives at one and the same time - they should divide his clothes, Qur'an, ring and sword equally between themselves.

2790. * If the deceased is indebted, and if his debt is equal to his estate or more, the four things which belong to the eldest son, as mentioned in the preceding rule, should be given by him for the settlement of the debt, or he should pay equal value from his own wealth. And if the debt is less than the estate, and if the debt cannot be set off by what remains of the estate after setting apart the four things for the eldest son, the eldest son should give those four things, or from his own wealth to set off the debt of the deceased.

And if the balance is adequate to clear the debt fully, even then the eldest son should participate, as an obligatory precaution, to clear the debt as explained above. For example, if the entire estate of the deceased is US $60, and the articles given to the eldest son are worth $20, and the deceased has a debt worth $30, the eldest son will proportionally pay $10 from the four things he received from the deceased.

2791. A muslim inherits from a non-Muslim, but a non-Muslim does not inherit from a deceased Muslim, even if he be his father or son.

2792. * If a person kills one of his relatives intentionally and unjustly, he does not inherit from him. But, if it was due to some error, for example, if he threw a stone in the air and by chance, it hit one of his relatives and killed him, he inherits from him. Nevertheless, it is a matter of Ishkal for him to inherit from the diyah (blood money) for the killing.

2793. * Whenever it is proposed to divide the inheritance, as a precaution, the share equal to that of one son, should be set aside for a child who is in its mother's womb, expected to be a son, and would inherit if he is born alive (when it is expected that only one child will be born) and the remaining parts should be divided among the others heirs. In fact, even if the children in the womb are expected to be more than one, for example, if the woman is expected to give birth to twins or triplets, as a precaution, their shares should be set aside for them. And if, contrary to expectation, one boy or one girl was born, then other heirs should divide the surplus among themselves.